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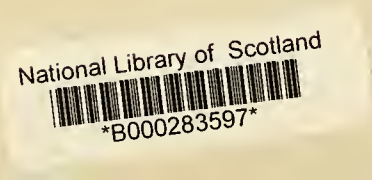

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MEMORIALS

OF THE

STUART DYNASTY,

INCLUDING THE

CONSTITUTIONAL AND ECCLESIASTICAL

History of England,

FROM THE

DECEASE OF ELIZABETH TO THE ABDICATION OF JAMES II.

BY

ROBERT VAUGHAN,

AUTHOR OF THE "LIFE AND OPINIONS OF WYCLIFFE."

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CONTENTS OF VOL. II.

CHARLES THE FIRST.

CHAP. XII.

STATE OF THE ENGLISH CATHOLICS FROM 1629 TO 1640.

PAGE

Alarm with regard to Popery at this time not unreasonable. — Circumstances which conduced to its Progress.—Advantage given to its Advocates by the Court Clergy. — Policy of Charles in relation to Catholics — contrasted with his Treatment of the Puritans.—Anticipations of the Rival Parties.—Project of a Union with the Church of Rome.—Causes of its Failure 1

CHAP. XIII.

STATE OF THE KINGDOM FROM 1629 TO 1640.

Different Views of this Interval.—Tendency of Church Affairs.—Temper of the Universities.—Prevention of Despotism.—Catholicism maintains its Ground.—State of Commerce.—The existing Calm deceitful.—State of England in the view of Foreigners.—Character of Charles as disclosed by the Proceedings of this Period. 11

CHAP. XIV.

PARLIAMENT OF 1640.

Oversight of Charles and his Ministers.—Scotland and Episcopacy.—Alarm of Laud and Strafford. — Impoverished State of the Government — disappointed of Foreign Aid. — Discouraging Aspect of the King's Affairs.—Pacification of Berwick.—Renewed Preparations for War.—Resolution to call a Parliament.—Motives of Laud and Strafford in supporting it.—Different Anticipations respecting it.—Parliament assembled. — Its Cautious Manner of Proceeding.—Speeches of Grimstone and Pym.—Dispute between

PAGE

the two Houses.—King's Message by Sir Henry Vane.—Parliament dissolved. — Unconstitutional Practices of the Government resumed.—Council of Peers.—Long Parliament summoned 21

CHAP. XV.

THE LONG PARLIAMENT.

State of Political Feeling through the Nation at the Meeting of the Long Parliament.—Moderate Temper of that Assembly.—Speech of Sir Benjamin Rudyard.—Speeches of the Members printed and circulated. — Restoration of sileneed Ministers. — Committee relating to scandalous Clergymen. — Proceedings against the Bishops Peirce, and Wren, and Dr. Cosins. — Impeachment of Strafford, Laud, and Windebanke.—Release of Prynne, Bastwick, and Burton.—Grievances redressed.—Bill for Triennial Parliaments.—Courts of Star-Chamber and High Commission abolished. —Attack on the Hierarchy.—Review of these Proceedings 45

CHAP. XVI.

THE EARL OF STRAFFORD.

Strafford's Early History—Character of his Patriotism—his Apostacy —and Advancement — Viceroy of Ireland — advocates Ship-Money.—His Despotic Schemes with regard to England.—Charles calls him to join the Royal Standard in the North—to attend in Parliament, and promises his Safety.—His Impeachment—Trial. —Opinion of the Judges. — Different Views of the Proceedings against him—his Death 75

CHAP. XVII.

PROCEEDINGS IN PARLIAMENT AFTER THE KING'S RETURN FROM SCOTLAND.

The Army Plot.—The Incident.—The Irish Massacre.—Increase of the Royalist Party.—Charles entertained by the City.—Alarm of the Patriots.—Bill for continuing the Parliament.—The Remonstrance.—Protest of the Bishops.—They are impeached—excluded from the Upper House.—Impeachment of the Five Members.— The King enters the Commons. — Triumph of the Patriots.— Claim respecting the Forces.—Attempt on Hull.—Preparations for War.—Siege of Portsmouth.—Raising the Standard.—State of the Dispute between the King and the Parliament 98

CIVIL WAR.

CHAP. I.

STATE OF PARTIES.

PAGE

A common Error in judging of this Quarrel.—The Royalists.—The Parliamentarians. — State of the Country. — Sufferings of the Puritans 118

CHAP. II.

MEASURES OF THE KING AND THE PARLIAMENT, FROM THE COMMENCEMENT OF THE WAR TO THE BATTLE OF NASEBY.

Battle of Edgehill.—Negotiation at Colebrook.—Surprise at Brentford.—Negotiation renewed.—Arrival of the Queen.—Waller's Plot.—Death of Hampden.—Defeat of Sir William Waller.—Spirited Conduct of the Citizens.—New Great Seal.—Treaty of Parliament with the Scots.—Charles obtains Assistance from Ireland.—Royalist Parliament at Oxford.—Battle of Marston Moor. — Oversight of Essex. — Second Battle of Newbury.—Jealousies in the Parliament Army.—Rise of Cromwell—secret Conference against him—accused before the Commons—proposes the Self-denying Ordinance—becomes an Exception to it.—Army new modelled.—Disunion among the Royalists.—Depressed State of the King's Affairs.—Treaty of Uxbridge.—Battle of Naseby .. 126

CHAP. III.

ECCLESIASTICAL AFFAIRS.

New Position of the Civil and Ecclesiastical Authorities.—Assembly of Divines.—Erastians.—The Presbyterians—the Independents—their Principles and Claims.—New Directory.—Persecution of the Episcopalians.—Death of Laud..... 148

CHAP. IV.

FROM THE BATTLE OF NASEBY TO THE FALL OF THE MONARCHY.

State of the King's Affairs on his Return to Oxford.—Difficulties arising from his Insincerity.—Disclosures of it in his Letters taken at Naseby.—His Commission to Glamorgan.—Surrenders

PAGE

himself to the Scots.—Proceedings in Parliament with regard to the Army.—Demands of that Body.—Impolitic Conduct of the Commons.—The King in the hands of the Army.—Hostile Movements in the Capital.—Military Ascendancy.—Conduct of the Army toward the King—its Plan for the Settlement of the Nation.—Charles rejects it.—His Removal to Hampton Court.—His Intrigues with the Scots and the Royalists detected.—Altered Conduct of Cromwell.—State of the Army at this Crisis.—The Levellers—their Mutinous Conduct checked.—Charles escapes to the Isle of Wight.—Treaty of Newport.—Spread of a Revolutionary Feeling.—Parties Chargeable with the King's Death 161

COMMONWEALTH.

CHAP. I.

FROM ITS COMMENCEMENT TO THE BATTLE OF WORCESTER.

Establishment of the Commonwealth.—Defective State of the House of Commons at this time.—Its Authority.—Difficulties of the New Government.—Prosecution of the Royalists.—Unsettled State of the Army.—The Levellers.—Suppression of Hostilities in Ireland and Scotland.—Trial of Lilburne 191

CHAP. II.

FROM THE BATTLE OF WORCESTER TO THE PROTECTORATE.

Growing Power of Cromwell.—Conduct of the Parliament.—Return of the Army.—Cromwell's Question respecting a Monarchical Power.—Jealousy shewn by the Parliament.—Cromwell's Conference with Whitelocke.—He expels the Parliament—and dissolves the Council of State.—The Disaffection of the Presbyterians during the Commonwealth.—Conciliatory Measures of the Government.—Execution of Love.—Toleration in Scotland.—State of Religion at this time 202

THE PROTECTORATE.

CHAP. I.

GOVERNMENT.

PAGE

Cromwell's Dependance on the Army.—Assembles a Parliament—Character of its Members—their Proceedings—dissolved.—Instrument of Government issued.—A New Parliament—Cromwell checks its Discussions—restrains its Members—dissolves it.—Spread of Disaffection.—Cromwell declines the Title of King.—New Plan of Government.—Meeting of the two Houses.—Proceedings of the Lower House.—Parliament dissolved.—State of Parties 222

CHAP. II.

ECCLESIASTICAL AFFAIRS.

Cromwell's Interference in behalf of the persecuted Vaudois—Soldiers quartered upon them.—Cruelties inflicted on the Inhabitants of Lucerne.—Cromwell's Proceedings in their favour.—His Negotiation with France.—The Sufferers agree to an Adjustment proposed by their Oppressors.—State of Religious Toleration during the Protectorate.—Institution of the Triers.—Their Office—and the general Effect of their Labours.—Rise of Quakerism.—Case of Nayler.—State of the Presbyterians.—The Independents.—Meeting of the Independents at the Savoy, their Confession of Faith, and its Uses.—Death of Cromwell.—His Influence on the Profession of Independency.—Observations on his Life and Character 240

CHAP. III.

RICHARD, PROTECTOR.

Accession of Richard Cromwell as Protector.—A Parliament.—State of the Army—Parliament dissolved by its Interference.—The Long Parliament reassembled, and dispersed.—Proceedings of General Monk.—The Long Parliament dissolved.—The Convention Parliament.—The ancient Constitution restored 266

CHARLES THE SECOND.

CHAP. I.

MEASURES OF THE CONVENTION PARLIAMENT.

PAGE

State of Public Feeling connected with the Restoration.—Character of Charles the Second.—The Council.—Secret Cabinet.—State of Parties in Parliament—a Bill passed to Confirm its Authority.—The Bill of Indemnity.—Sanguinary Temper of the Lords.—Punishment of Delinquents.—Fate of the Regicides.—Sentence inflicted on the Bodies of Cromwell, Bradshaw, and Ireton.—Trial of Sir Henry Vane—his Execution.—Adjustments of Property.—Settlement of the Revenue.—Army disbanded 272

CHAP. II.

ECCLESIASTICAL AFFAIRS TO THE DISSOLUTION OF THE CONVENTION PARLIAMENT.

Anticipations of the Presbyterians at this time.—The Ecclesiastical Constitution restored.—Policy of the Bishops.—Restoration of the Episcopal Clergy.—Promises made to the Nonconformists—Deceptions practised upon them.—The King's Declaration rejected by the Court-Party in the Parliament 296

CHAP. III.

PROCEEDINGS IN THE KING'S SECOND PARLIAMENT, FROM ITS MEETING TO THE ENFORCEMENT OF THE ACT OF UNIFORMITY.

New Parliament—its Proceedings.—The Savoy Conference—its Conclusion.—The Convocation.—Revision of the Common Prayer.—The Catholics.—The Quakers—their Sufferings.—Scotland and Ireland.—Poverty of the King—his Marriage.—Sale of Dunkirk.—Act of Uniformity—the Act enforced—Injustice and Cruelty of that Measure.—Motives of the Nonconformists.—Effect of these Proceedings 304

CHAP. IV.

INCLUDING THE PERIOD FROM THE ENFORCEMENT OF THE ACT OF UNIFORMITY TO THE FALL OF CLARENDON.

Change of Feeling in the Commons with respect to the Church—its Causes.—Policy of Charles with regard to the Nonconformists.—

PAGE

Promises to suspend the Act of Uniformity — withdraws that Promise—publishes his Declaration of Indulgence—it is opposed by Parliament—his Displeasure. — The Conventicle Act. — The Five-Mile Act. — Law on Triennial Parliaments. — The Dutch War.—New Method of raising Taxes—its Effect on the Privileges of the Houses of Convocation.—Parliament appropriates Supplies —appoints Auditors of Public Accounts.—General Discontent.— Fall of Clarendon 328

CHAP. V.

INCLUDING THE PERIOD FROM THE FALL OF CLARENDON TO THE PASSING OF THE TEST ACT.

Change in the National Feeling with regard to France and Spain.— The Spanish Netherlands invaded by Louis.—The Triple League formed.—Treaty of Aix-la-Chapelle.—Parliament.—Causes which produced a Secret Alliance between Louis XIV. and Charles.— Conversion of the Duke of York.—Secret Conference in Favour of the Catholic Religion and Arbitrary Power.—Nature of the Concealed Compact between Charles and Louis.—Parliament.— Impeachment of the Earl of Ossory.—Dispute with regard to the Jurisdiction of the Peers.—The Nonconformists—a Scheme meditated to restore them—suppressed by Parliament.—Controversy respecting Nonconformity. — Proceedings of the Cabal — the Exchequer closed. — Piratical attempt on the Dutch Fleet. — Declaration of Indulgence.—State of the Continental War.—The Indulgence recalled.—The Test Act. — Fate of the Dissenters' Relief Bill 355

CHAP. VI.

FROM THE PASSING OF THE TEST ACT, TO THE CLOSE OF THE CABAL ADMINISTRATION.

Changes produced by the Test Act.—State of Foreign Affairs.— Parliament—its Proceedings—is prorogued.—Fall of Shaftesbury. —Marriage of the Duke of York.—Parliament—its Complaints. —Proceedings against Ministers.—The King's difficulties—concludes a Peace with Holland. — Projects with regard to the Succession.—The Duke of Monmouth.—The Prince of Orange.— Proposal of a Marriage between the Prince and the Princess Mary.—Comparative Delinquency of the Cabal Ministers 386

CHAP. VII.

FROM THE CLOSE OF THE CABAL ADMINISTRATION TO THE DISSOLUTION OF THE "PENSIONARY" PARLIAMENT.

PAGE

State of the Country Party.—New Policy of the Minister.—Increase of Bribery. — Non-resisting Test. — Dispute between the Two Houses.—Parliament prorogued.—Embarrassments of the Crown. — Another Prorogation. — Secret Treaty between Charles and Louis.—Arbitrary Conduct of the Government.—Parliament.—Foreign Affairs. — Insincere Conduct of the King. — Marriage concluded between the Prince of Orange and the Princess Mary. —Intrigues of Louis extended to the Country Party.—Proceedings against Danby.—Dissolution of Parliament.—Ecclesiastical Affairs. — Laws in force against the Nonconformists — their increased sufferings.—The Popish Plot.—Coleman's Letters 401

CHAP. VIII.

FROM THE DISSOLUTION OF THE PENSIONARY PARLIAMENT TO THE DISSOLUTION OF THE PARLIAMENT ASSEMBLED AT OXFORD.

A New Parliament.—Altercation respecting the Appointment of a Speaker.—Impeachment of Danby resumed — Character of his Administration.—New Council.—The Bill of Exclusion. — Parliament prorogued. — The Habeas Corpus Act. — Dissolution of Parliament. — A further Treaty between Charles and Louis.—Petition of the Seventeen Peers.—Proclamation against Petitioning.—Whigs and Tories.—Return of the Duke of York.—The Meal-tub Plot.—The Duke presented as a Recusant—he leaves the Kingdom.—Monmouth's Progress.—Parliament.—The Bill of Exclusion resumed—Reason of that Measure—its Failure—Effect of that Event on the Commons.—Trial of Stafford.—Parliament dissolved. — Conduct of the Judges examined. — Oxford Parliament.—Expedient proposed in place of the Exclusion Bill—and rejected.—Dissolution of Parliament.—The King's Declaration—a Reply 431

CHAP. IX.

FROM THE DISSOLUTION OF THE OXFORD PARLIAMENT TO THE DEATH OF THE KING.

Trial of Colledge. — Prosecution of Shaftesbury. — Increased Prejudice against the Nonconformists—their Sufferings.—Arbitrary Plans of the Government.—Seizure of Corporation Charters.—Death of Shaftesbury.—The Rye-house Plot.—Lord Russell.—Algernon Sydney.—Death of the King 463

JAMES THE SECOND.

CHAP. I.

FROM THE ACCESSION OF JAMES THE SECOND TO THE PUBLISHING OF THE DECLARATION FOR LIBERTY OF CONSCIENCE.

PAGE

Accession of James the Second.—He collects the Revenue without Consent of Parliament—and goes publicly to Mass.—Parliament—its Subserviency.—Monmouth's Rebellion—his Death.—Cruelties Inflicted by the Military—by Jeffries—Effect of those Proceedings.—Parliament.—Arbitrary Designs of the King.—Opposition in Parliament—it is prorogued.—Revocation of the Edict of Nantz.—Disaffection of the Established Clergy.—The King's Instructions with regard to Preaching.—Court of Ecclesiastical Commissioners restored — its Proceedings against the Bishop of London.—King's Declaration for Liberty of Conscience..... 478

CHAP. II.

FROM THE DECLARATION FOR LIBERTY OF CONSCIENCE TO THE REVOLUTION.

Treatment of the Nonconformists before the publishing of the Declaration for Liberty of Conscience.—Prosecution of Baxter.—Conduct of the Protestant Dissenters with regard to the King's Declaration.—Advances of Popery—opposed at Cambridge—and at Oxford.—Conduct of the Seven Bishops.—Perplexity of James—he resolves on their Prosecution — their Trial — Acquittal.—State of the King's Affairs.—Landing of the Prince of Orange.—The Revolution of 1688..... 501

MEMORIALS

OF

THE STUART DYNASTY.

CHARLES THE FIRST.

CHAP. XII.

STATE OF THE ENGLISH CATHOLICS FROM 1629 TO 1640.

ALARM WITH REGARD TO POPERY AT THIS TIME NOT UNREASONABLE.—CIRCUMSTANCES WHICH CONDUCED TO ITS PROGRESS. — ADVANTAGE GIVEN TO ITS ADVOCATES BY THE COURT CLERGY.—POLICY OF CHARLES IN RELATION TO CATHOLICS—CONTRASTED WITH HIS TREATMENT OF THE PURITANS. — ANTICIPATIONS OF THE RIVAL PARTIES. — PROJECT OF A UNION WITH THE CHURCH OF ROME. — CAUSES OF ITS FAILURE.

1629—1640. Alarm with regard to popery at this time not unreasonable.

We have seen that a dread of popery was scarcely more a characteristic of puritanism than of patriotism, through the whole of this reign. The fears of our forefathers on this subject are not unfrequently noticed by their descendants with a supercilious smile, as betraying a very childish estimate of danger. But, if it be remembered that these apprehensions were entertained by some of the most sagacious men then living, modesty may suggest that they were not altogether irrational.

It is certain that since the elevation of Laud, conversions to the catholic faith had frequently taken place. It is true, they were almost confined

CHAP. XII. 1629–1640.

to persons of rank, and occurred most commonly among females. But they were sufficiently numerous to form a ground of precaution, in an age when religious parties were so strictly marshalled against each other, and so nearly balanced; and when the conductors of the vessel of the state possessed so little claim on public confidence. Laud may not have meant to attempt a union between the churches of England and Rome. But when he determined to conform the one to the other, in so many of the particulars which produce the greatest impression on the multitude, the charge of meaning to assimilate them entirely, ought not to have excited his astonishment or displeasure.

Circumstance which conduced to its progress.

It has appeared, too, that while the forms of worship were studiously fashioned after the Roman model, many of the most obnoxious doctrines of popery were variously broached, either by the archbishop himself, or by the clergy of his school. It was not their arminianism only which widened the distance between them and the more consistent protestants in this kingdom. Much was done that favoured a return of auricular confession, the practice of penance, the celibacy of the clergy, the ceremonial of the mass, and the worship of visible objects —as the elements of the eucharist, and altars, and paintings. Laud openly avowed his preference of an unmarried clergy. We have seen the sort of veneration shewn by him to the pageantries of worship; and if his language on the eucharist has any meaning, it is hardly distinguishable from that of the Romanist.

Andrews, Montague, and Cosins, are among the divines who contributed most toward this course of things. The change, indeed, had been gradually working among the court clergy some time previously, and chiefly from the greater deference with which it became fashionable to treat the authority of the fathers. The reformers generally, had shewn their wisdom, in allowing but small authority to those treacherous guides. But the christianity commended by them possessed those elements of superstition and worldliness which could not fail to recommend it to a race of men who filled the place of the reformers without having imbibed the exalted temper which distinguished them. Hence the voluminous and contradictory compilations of the fathers were more frequently cited, and their judgment increasingly deferred to, until the maxims of fallible men, belonging to a period subsequent to the age of Constantine, were permitted, in many instances, to supersede those of the christian apostles.*

* "Not only the pomp of ceremonies was daily increased, and innovations of great scandal brought into the church, but, in point of doctrine, many fair approaches were made towards Rome, as he that pleaseth to search may find in the books of bishop Laud, Montague, Heylin, Poclington, and the rest; or in brief, collected by a Scottish minister, master Bailey. And, as their friendship to Rome increased, so did their scorn to the reformed churches beyond the seas. A Venetian gentleman, out of his observations in England, will tell you how far they were going in this kind; his words are: 'The universities, bishops, and divines of England do daily embrace catholic opinions, though they profess it not with open mouth, for fear of the puritans: For example, they hold that the church of Rome is a true church; that the pope is superior to all bishops; that to him it appertains to call general councils; that it is lawful to pray for souls departed; that altars ought to be erected: in sum, they believe all that is taught by the *church*, but not by the *court* of Rome.'"—May, 15, 16. The candour of the historian remarks, that it is, after all, "questionable whether the bishops, and great clergy of England, aimed at popery."

CHAP. XII.

1629—1640. Advantage given to its advocates by the court clergy.

A fatal advantage was thus given to the catholic disputant, who, on being allowed so far to widen the field of discussion, failed not to multiply the sources of perplexity, and thus to prepare the way for his end of all controversy—the authority of the church. Chillingworth was made painfully sensible of this snare, and did important service in re-asserting the maxim—that "the bible, and the bible alone, is the religion of protestants." The appeal of the reformers had generally been to the scriptures, as the exclusive and complete arbiter of religious questions; and their conduct in this respect was frequently applauded by the puritans, and by a few who were not puritans. But the effect of this, unhappily, was, that it became the fashion with courtier clergymen to depreciate the reformation of the sixteenth century, and to indulge in ungenerous reflections on the master spirits who had wrought it. So much was this the case, that the man who spoke of it in the language of honest gratitude, or

In the above extract, no mention is made of Andrews, though evidently the father of this dangerous school. Before the death of Elizabeth, his tampering with popish tenets called forth many observations from the court.—Sidney Papers, II. 185. See also Nugæ Antiquæ, II. 192, and Hallam, I. 522. The learning and gravity of this prelate appear to have saved him from much of that reproach which his symbolizing with the papists would otherwise have brought upon him. Laud appealed to his example, as a sort of protection, when upon his trial—of course with little effect.—Cant. Doom. Butler's Memoirs of the English Catholics, IV. 55, *et seq.* Dr. Southey is highly indignant that the charge of "being in collusion with the papal court" should have been preferred against Laud and the king; and some very hard words are directed against the authors and abettors of this accusation, both ancient and modern.—Book of the Church, II. 346, 347. But what man could be acquainted, in that age, with the fact of a secret correspondence between the courts of England and Rome, without having the strongest suspicions excited? And what man, possessed of our present information as to the nature of that correspondence, can, with any fairness, describe it as a trivial matter?

who betrayed any friendly feeling toward the reformed churches of the continent, was sure to be represented, by Laud and his partisans, as a puritan, and as an enemy to episcopacy and monarchy.* So strong, indeed, did this current of affairs become, that the archbishop himself began to be alarmed at it, and appears to have been sincerely concerned to check a tendency which he had been the great agent in producing.

Policy of Charles in relation to Catholics.

It is well known, also, that several of the privy-council, and not a few of the nobility through the kingdom, were either secretly or openly of the catholic faith; and that its disciples, through the whole of this reign, had been allowed to compound, on very moderate terms, for their conduct as recusants. They were often thrown into prison, and often convicted; but with this shew of severity there was nothing of its reality. In the course of sixteen years, eleven thousand persons, residing in the southern division of the kingdom, are said to have been deprived of their liberty by the pursuivants of the court. But they rarely experienced a difficulty in obtaining their enlargement. In other districts such offenders were more numerous. We know not whether the royal officers were there equally vigilant; but, if they were, it is probable that the

* See Vol. I. p. 489. Hallam, I. 519—522. Such, in 1637, was the altered tone, in relation to protestantism, among the Laudean clergy, that, in the list of books prohibited by the censors of the press, we find Fox's Acts and Monuments, and the whole works of bishop Jewel. The wonder is, that the proscription did not extend to the writings of Hooker, which must have been far from agreeable to the new race of churchmen. The Ecclesiastical Polity seems, in that age as in ours, to have been more talked about than read.—Rushworth, II. 450. "Elizabeth herself," says May, "was but coldly praised, and all her virtues were forgotten, as they remembered how she cut short the bishopric of Ely."—Hist. 15.

CHAP. XII. 1629—1640.

chief result was the improved state of the treasury. It is beyond doubt, that the penalties provided by the law for such cases were commuted for fines, and that these, exacted with moderation, became a regular department of revenue.*

Contrasted with his treatment of puritans.

This feature in the king's policy might have been praiseworthy, had his professed disposition to lighten the yoke of intolerance been impartially exercised. But while catholics were thus favoured, the puritans were every where exposed to new tests and new severities. Many a zealous protestant, as he watched these proceedings, was constrained to regard himself as belonging to a sect becoming daily more and more proscribed; while the abettors of popery became more bold in their conduct and language, and were known to be looking to the past and the present with renovated hope.

Anticipations of the rival parties.

There are contemporary documents which shew that the foreboding apprehensions of the one party did not go beyond the sanguine expectations of the other. Both, indeed, were in error. They attributed to a large body of the nation what pertained only to a mere faction, whose views had acquired an undue prominence from being imbibed in influential quarters. But they erred sincerely, and not

* The Commons' Journal of Dec. 1, 1640, shews that the fines levied on catholic recusants throughout the kingdom, during the preceding thirteen years, had amounted to little more than 4,000*l.* The sums paid by catholics for liberty to absent themselves from the worship of the established church, are not, of course, included in this amount. But these were generally moderate. Only one catholic priest died during this interval, and that, according to Dr. Lingard, was owing to "the hasty zeal of judge Yelverton."—Bibliotheca Regia, 35—39. Rushworth, I. 645. II. 11, 13. Clarendon Papers, I. 353, 485. Butler, IV. 97. Neal states the number of pardoned recusants, down to the meeting of the long parliament, to have been more than eleven thousand, in about half the kingdom.

without reason. They had seen the very men who were exhibiting this doubtful character, powerful enough to put down the ancient constitution of the realm, and that for a series of years; and, what is more, powerful enough to prevent the expression even of a wish for its restoration! Might not the party who had thus trampled on all the venerable securities of freedom, demolish the less ancient and less formidable ramparts of the protestant faith?*

Project of a union with the church of Rome.

By the English catholics these favourable circumstances were all duly reported at the Vatican; and Panzani, an Italian emissary, was actually despatched to this country to obtain more certain information as to the state of parties.† The professed object of this secret enterprise was to effect such an accommodation, with regard to the long-contested oath of allegiance, as might place the English catholic in a less suspicious light as a subject. The queen, and the catholic members of the cabinet, received this dangerous visitor with the utmost cordiality. Charles saw him privately. It

1635.

* Let it never be forgotten, that, in 1638, this gloomy view of things had become so fixed in the minds of such men as lord Say, lord Brook, sir Arthur Haselrig, John Hampden, and Oliver Cromwell, that all these persons were on the eve of quitting their country, to breathe a freer air in the New World, being prevented doing so purely by the interposition of Laud. Now, if these commanding intellects were thus sincerely impressed with this view of the progress of affairs, is it philosophical, is it honest to impute the general apprehensions on this subject to the weakness of the many, and the craft of the few?—Rymer, XX. 223. Hume, VI. 309.

† The Memoirs which pass under the name of this person existed in MS. until 1794, when they were published by Mr. Berrington. The account contained in them agrees, in all important particulars, with that supplied by our own documents, and throws considerable light on many points. The writer's impression was, that a great change in favour of popish tenets and customs had taken place among us, especially among the nobility and the leading clergy.

CHAP. XII. 1629—1640.

was scarcely possible that such a mission should have been concealed from the knowledge of the court, nor, in consequence, from the country; and the very indefiniteness of its object could only serve to aggravate its impolicy, by supplying a wider field for conjecture and alarm.*

It was at this moment, however, that a project, embracing nothing less than a union of the two churches, was seriously broached. It appears to have commenced with Windebanke and Cottington, members of the council, and known catholics, and to have been greatly magnified and promoted by the officious zeal of Montague, bishop of Chichester. This prelate assured Panzani, that the two archbishops were prepared to acknowledge the spiritual supremacy of the pontiff, and that there were not more than three of their suffragans who would not be found to follow their example.† In his own case, the doctrine of transubstantiation was his only serious difficulty; but a conference of moderate men would no doubt bring about such an accommodation on that point as was desirable to both parties.

To the court of Rome this scheme could not fail to be attractive. To have broken the strength of protestantism in England at this juncture, would have been to humble it throughout Europe, leaving it scarcely an asylum beyond the United Provinces,—and those provinces, be it remembered, the seat of a similar vacillation, in consequence of the mistaken policy of Grotius, and depending for

* Heylin's Laud, 286, *et seq.*

† The exceptions were, Morton, Hall, and Davenant.

their very existence on the rivalry of their catholic neighbours. Yet we are called to bow to the intelligence of men who treat the fears expressed by our devout ancestors at this crisis, as the mere ebullitions of bigotry, or the alarms of weakness!

CHAP. XII. 1625.

It must have been presumed by the abettors of this scheme, that the king would not be found opposed to it. But it is to the honour of Charles, that his name is not in any way directly involved in it. The pontiff addressed him in the language of paternal affection. Cardinal Barbarini consulted his taste in presents, especially pictures; and these flattering attentions were not received without due courtesy. The pursuivants, who had been hitherto employed in detecting popish recusants, were discharged; an agent was appointed to reside at Rome, as in behalf of the queen; and those who were not sanguine enough to expect a re-union of the churches, anticipated a considerable change in the relations between them.

But here the proposed effect of these negociations closed. Montague appears to have promised much more than he was authorised to do; and even the most zealous advocates of his plans, not excepting himself, retained opinions which it did not comport with the dignity of an infallible church to tolerate. This assumption of an unerring guidance, as it is the greatest sin of the church of Rome, so it has been the occasion of her greatest suffering. Though properly extending only to the doctrine which she has sanctioned, it has naturally operated with regard to discipline and worship, and has unfitted her for accommodating herself to the changing circumstances of the world which she

Causes of its failure.

1639.

CHAP. XII. 1629—1640.

aspires to govern. She has managed her affairs, indeed, in many respects, with consummate address; but to bend to the storm has not been her manner, and many of her goodliest branches have been snapped asunder by it. It is well to see the chains produced to enslave the earth falling thus signally on the hands that wrought them. Thus, in the present instance, when Panzani was succeeded by another envoy, presumed to be more equal to the management of the delicate transactions adverted to, the instructions of the papal court were, that the difference between the puritans and orthodox, so important in England, should not seem to be understood, but that both should be regarded as aliens from the true church, and beyond the pale of salvation. This haughtiness of demeanour on the part of the pontiff, was accompanied by a similar boldness in the case of his adherents in this country, and à re-action was thus produced, which, without the aid of other circumstances, would soon, perhaps, have withered the hopes of the most sanguine Romanist. Even Laud now braved the displeasure of Henrietta by appearing again as the antagonist of

1639. Fisher.*

* But the primate endeavoured to shelter himself from her majesty's displeasure by stating, in his preface, that the king had urged him to resume his weapons some two years since. The following account of Laud's sentiments on this question is perhaps the nearest to the truth: "The archbishop of Canterbury was much against the court of Rome, though not against that church in so high a kind. For the doctrine of the Romish *church* was no enemy to the pomp of prelacy; but the doctrine of the *court* of Rome would have swallowed up all under the pope's supremacy, and have made all greatness dependent upon him—which the archbishop conceived would derogate so much from the king in temporals (and therefore hardly to be accepted by the court), as it would from himself in spirituals, and make his metropolitical power subordinate, which he desired to hold absolute and independent within the realm of England, as if he had been an English pope."—May, Hist. 16.

CHAP. XIII.

STATE OF THE KINGDOM FROM 1629 TO 1640.

DIFFERENT VIEWS OF THIS INTERVAL.—TENDENCY OF CHURCH AFFAIRS. — TEMPER OF THE UNIVERSITIES.—PREVENTION OF DESPOTISM. — CATHOLICISM MAINTAINS ITS GROUND. — STATE OF COMMERCE.— THE EXISTING CALM DECEITFUL. — STATE OF ENGLAND IN THE VIEW OF FOREIGNERS. — CHARACTER OF CHARLES AS DISCLOSED BY THE PROCEEDINGS OF THIS PERIOD.

CHAP. XIII.

1629—1640. Different views of this interval.

THE proceedings which belong to the interval from 1629 to 1640, were of a nature to call forth the most critical attention of all parties at the time of their occurrence. They are still the subject of investigation, and regarded with a considerable difference of judgment. By the opponents of the government, nearly the whole of its transactions are the matters of unqualified censure. By its advocates, much ingenuity has been employed to extenuate, if not to defend, its general policy. The partizanship is a species of intoxication; but it is not difficult to perceive on which side this scale will turn, in the case of any sober-minded man.

Tendency of church affairs.

With respect to the puritans, there was, doubtless, a few instances in which the restraints of authority might have been justly imposed on them. But the manner in which those restraints

CHAP. XIII. 1629—1640.

were exercised, was frequently malignant and oppressive; and in some cases, where they were adopted with the greatest rigour, it would have been a better policy, and no more than just, to have dispensed with them in favour of more lenient measures. But it was the maxim of Laud to intimidate the herd, by striking the leaders without mercy; and, for a time, he was allowed to congratulate himself on the success of this method of proceeding. It does not appear to have been the intention of the archbishop, or of the monarch, to effect a re-establishment of popery. But it was clearly their object to assimilate the doctrine and worship of the church to the Romish model, in an alarming degree. While thus much, as to the end proposed, was beyond doubt, the means employed with regard to it were of a kind which threatened to perpetuate a degrading ignorance among the people, and to restore the despotism of popery under the name of protestantism.

Temper of the universities.

The universities still existed; but their learning was less remarkable than their pedantry, their intolerance, and the zeal with which they enlisted themselves in the cause of arbitrary power. Religion, with them, was the heir-loom of the priest; its benefits constituting a sort of treasury, to be dispensed at his pleasure; and, while its sanctions were all marshalled to augment the power of the crown, the prerogative formed the chief source of their hope when indulging their schemes of aggrandizement in relation to the church.

All patriots were not saints, nor was every saint a patriot; but history has no certainty, if it be not

true that the great conservators of our liberty and religion, through this perilous crisis, were the parties whose names have come down to us bearing the reproach of puritanism. Had not these men placed their foot in the breach, little would have remained, after a few years, to distinguish an English parliament from the cortes of Castile. The birthright of Englishmen would have become what that of the Spaniard has become; nor would the religion of the two nations have been in any great matter at issue. Thus much some of the bitterest foes of the puritans, both among the dead and the living, have been obliged to concede.*

* May has given an interesting account of the feelings and speeches of the different parties at this time in the kingdom, relative to the long suspension of parliaments, and the evils attending it. "The serious and just men of England, who were no way interested in the emolument of these oppressions, could not but entertain sad thoughts and presages of what mischief must needs follow so great an injustice; that things carried so far on in a wrong way, must needs either enslave themselves and their posterity for ever, or require a vindication so sharp and smarting, as that the nation would groan under it. Another sort of men, and especially lords and gentlemen, by whom the pressures of the government were not much felt, who enjoyed their own plentiful fortunes with little or insensible detriment, looking no further than their present safety and prosperity, and the yet undisturbed peace of the nation, whilst other kingdoms were embroiled in calamities, and Germany sadly wasted by a sharp war, did nothing but applaud the happiness of England, and called them ungrateful and factious spirits who complained of the breach of laws and liberties.—The kingdom (they said) abounded with wealth, plenty, and all kind of elegancies, more than ever. That it was for the honour of a people that the monarch should live splendidly, and not be curbed at all in his prerogative, which would bring him into the greater esteem with other princes, and more enable him to prevail in treatics. That what they suffered by monopolies was insensible, and not grievous, if compared with other states. That the duke of Tuscany sat heavier upon his people in that very kind. That the French king had made himself an absolute lord, and quite depressed the power of parliaments, which had been there as great as in any kingdom, and yet that France flourished, and the gentry lived well. That the Austrian princes, especially in Spain, laid heavy burdens upon their subjects. The courtiers would begin to dispute against parliaments in their ordinary discourse—and hoped the king should never need any more parliaments.

CHAP. XIII.

1629—1640. Catholicism maintains its ground.

It is affirmed, nevertheless, and by the parties the substance of whose concessions are so important, that catholicism had never received so signal a discomfiture in England as during this very period. The honour of this achievement is ascribed to the writings of Chillingworth and Laud. We have seen enough, however, to make the correctness of this statement more than doubtful. Conversions to the catholic faith were never so notorious as at this time. Nor had schemes, with a view to its re-establishment, been entertained with so much confidence by its votaries, since the death of the Scottish queen. Chillingworth's admirable work on this subject could never have been very generally read; and the style in which the controversy was managed by Laud, and his disciples, was more adapted to confirm the papist than to convert him. The puritans who mixed in this contest scorned the temporising policy of the orthodox, whose concessions were regarded as including all the elements of the system which they professed to oppose; and there is room to suspect, that, if catholicism experienced any check at this time, it suffered more from the weapons of the proscribed, than from

Some of the gravest statesmen and privy councillors would ordinarily laugh at the ancient language of England, when the word *liberty of the subject* was named."—Hist. 12. Who rescued us from the dominion of this base-born feeling, and prevented our government from being modelled after the enlightened policy of Tuscany and Spain? The men so often reviled under the name of puritans and patriots. Even Dr. Southey admits, that had the vessel in which Pym, Hampden, and Cromwell were prepared to emigrate, been allowed to sail, the kingdom would have been "under an absolute government, the tendency of which is evidently to corrupt the rulers and degrade the nation."—Book of the Church, II. 359.

those of the patronised. According to Clarendon, to whose account we are now chiefly referring, the nation, at the time of Laud's elevation to the primacy, "was little inclined to the papist, and less to the puritan." If this statement be correct, little could have been done, previous to 1640, to lessen the first evil; and the means employed to extinguish the second, wise as they are often said to have been, had only served to increase it a hundred-fold.*

State of commerce.

It is remarked by the same class of writers, that, admitting the imposts, the monopolies, and the other expedients recently adopted, to have been generally illegal, they were all measures resorted to with so much moderation and regularity, that the commerce of the kingdom increased greatly beyond its former limits, the revenue, to the last, being in a flourishing state. This statement is only partially accurate.† But, were it altogether unquestionable, those religious severities, which interfered so directly with liberty of conscience in the case of foreigners, and which led to so many instances of emigration from the respectable and industrious portion of the community, are altogether overlooked in this account.‡ Nor should it be forgotten, that the maxims which virtually denied the merchant a right in his property, needed only to have acquired

* Clarendon, I. 131—135.

† The reader will presently see that if the kingdom flourished during this period, its king had contrived to make himself miserably poor.

‡ The New England settlers are stated, by Neal, to have withdrawn nearly half a million of money from the country, before the commencement of the wars. This fact may help to explain the conduct of the government in prohibiting emigration—a measure which must otherwise appear to be as foolish as it was tyrannical.

CHAP. XIII. 1629—1640.

something more of the force of law, to be found diffusing their pernicious influence over all the springs of commercial enterprise.

The existing calm deceitful.

The eleven years which we have briefly reviewed are lauded, moreover, as years of calm and felicity unparalleled in the history of this kingdom. It is true, there was a calm, but it was not difficult to see that this calm was no more than had often resulted from the pressure of despotism, and had often preceded unusual convulsion.* It ought to have been no less evident, that without a change, this boasted felicity must soon prove to be a mere hectic, underlaid with the seeds that tend inevitably to weakness and decay. The poverty, degradation, and torture, with which the star-chamber could afflict the disobedient, may well have produced an appearance of resignation; and the provisions made by the laws of the country for the furtherance of its interests, were too well adapted to their end to be without wholesome effects, and too well understood to admit of their being annihilated at a stroke. It is said that had Charles possessed the arbitrary temper imputed to him, he would hardly have respected the laws so far as he did while ruling without a legislature, but would have chosen the shortest course to his object. But, with submission, the shortest course should hardly be preferred where it is not likely to be the best. Strafford understood these things better, and knew that the only method of rendering the king absolute

* Though the times were smooth for the present, yet serious men, "having observed the judgments of God upon other secure nations, they could not choose but fear the sequel."—May, Hist. 12.

instead of the law, was to proceed by little and little. The slumberous selfishness of human nature is shocked by violent changes, and duped by the gradual. Nor is that tyrant at all an adept in his calling, who does not study to expel the passion for liberty, by fostering a love of ease and indulgence.

But thus it ever is with bad rulers and decayed institutions. The good existing in connexion with them is attributed to their immediate influence, though existing perhaps from quite other causes, or even in spite of them.

State of England in the view of foreigners.

It is further said that the nation thus prosperous at home, was never more respected abroad. It required some hardihood to make this assertion, as every man acquainted with the alphabet of our history must find some difficulty in believing it. The age of Elizabeth, with all its imperfections, was one in which the councils of England weighed greatly more in the esteem of foreign cabinets than in the time of Charles the first. The reign of James, indeed, was one of timid neutrality. But it was no secret that this policy arose more from the temper of the monarch than from that of his people; and, as to respect abroad under his successor, our history could hardly supply a parallel to the pitiful results which attended the expeditions to Cadiz and Rochelle. The weakness which our divisions had created was thus unveiled in the face of Europe, and our enemies were taught how little they had to fear from the men who governed us. Nor did the lesson need to be repeated. Its effect would have been more obvious than it was, had

CHAP. XIII. 1628—1646.

not the power of the French and Spanish monarchies, between whom the continent was divided, approached very nearly to a balance, and rendered both naturally solicitous with regard to every possible alliance.*

Character of Charles as disclosed by the proceedings of this period.

The inconsiderate eulogy which we are noticing, is extended from the public conduct of the monarch to his personal character, and he is described as entitled to say, like another Pericles, that "no Englishman had worn a mourning gown through his occasion." Charles should not perhaps, upon the whole, be charged with cruelty; but it is an instructive fact, that among the opponents of his will through this trying season, there is not one whose conduct would have afforded any plausible pretext for the shedding of blood. It may be, therefore, that the absence of this evil will be thought to speak more certainly for the moderation of the people than for the clemency of the king. It would be pleasing to suppose that when the noble historian recorded this panegyric on his departed master, he was not aware of the death which had been secretly and slowly inflicted on the patriotic Eliot. But of that act of blood-guiltiness he could not be ignorant.† We must hope, however,

* The following passage on this point is somewhat amusing: "Our historian (Dr. Lingard) observes, on this place, that 'Philip, whether it were through generosity or *contempt*, sent back, without ransom, the prisoners made at Cadiz; Louis, those taken in Rhee.' *Contempt!* Charles was never regarded with *contempt* by the rival powers. Both, in 1635, eagerly courted the English monarch, whom Dr. Lingard has thus aspersed."—D'Israeli's Commentaries, III. 11.

† May's statement records the general sentiment on this painful subject: "He died by the harshness of his imprisonment, which would admit of no relaxation, though, for his health sake, he petitioned for it often, and his physician gave in testimony to the same purpose."—This was an article of

that it did not occur to him to inquire whether a king should be set forth as the example of every thing harmless and devout, while labouring to destroy those safeguards of human liberty which he had so often sworn to uphold, and to substitute a policy in their room, which, in the hands of some future tyrant, might have withered the last hope of freedom—have reduced succeeding generations to the meanest servitude, and have robbed the nations of the earth of that bright example of wisdom and benevolence which our noble institutions were framed to place before them? Surely the faintest hazard of becoming the agent of such a curse should not have been incurred, except in a crisis of the direst necessity. But it is admitted, by the author of this very eulogy on the character of the erring monarch, that no such plea existed. It is thus he speaks of the men whose conduct was regarded by the king as calling for those "new courses" which suspended the constitution, and which, had not Providence interposed to disturb them, must have borne it to oblivion.

"I cannot but wonder at those counsels which persuaded the courses then taken. It is not to be denied that there were in all those parliaments, especially in that of the fourth year, several passages and distempered speeches of particular persons, not fit for the dignity and honour of those places, and unsuitable to the reverence due to his

the charge preferred against the government in the well-known remonstrance of the commons, after the king's return from Scotland. The answer to that document was prepared by Clarendon, but the case of Eliot remained as it was..

CHAP. XIII. 1629—1640.

majesty and his councils. But I do not know any formed act of either house (for neither the remonstrance or votes of the last day were such) that was not agreeable to the wisdom and justice of great courts upon those extraordinary occasions. And whoever considers the acts of power and injustice in the intervals of parliament, will not be much scandalized at the warmth and vivacity of those meetings."*

* It appears from the Hardwicke Papers (II. 54—93) that, from 1631 to 1633, Charles was in secret correspondence with certain disaffected parties in the Spanish Netherlands, who were meditating a revolt from the yoke of Spain. The object of the English monarch was to prevent the "catholic states" from becoming united with France or Holland, in the event of their asserting their independence. The arguments which were to induce their preference of an alliance with England, are a little curious. They were not only to experience a more tolerant treatment than could be expected from the United Provinces; "but what is more considerable," observes secretary Cooke, "churchmen among the states have no part in the government, or in the laws, neitber do their elders comport with our hierarchy of archbishops, bishops, deans, canons, and parish curates. And what doth yet abase them more, they possess not there either glebe-land or tithes; nor other stable revenues, but depend altogether on voluntary contributions, which will bring their rich clergy, in a short time, to a very mean and poor state."—82. This transaction became known to the court of Madrid in the course of 1633. Its chief effect was to render the professions of Charles of little value in the Spanish cabinet. The intrigue has been unknown to most of our historians.

CHAP. XIV.

PARLIAMENT OF 1640.

OVERSIGHT OF CHARLES AND HIS MINISTERS.—SCOTLAND AND EPISCOPACY. —ALARM OF LAUD AND STRAFFORD.—IMPOVERISHED STATE OF THE GOVERNMENT.—DISAPPOINTED OF FOREIGN AID.—DISCOURAGING ASPECT OF THE KING'S AFFAIRS.—PACIFICATION OF BERWICK.—RENEWED PREPARATIONS FOR WAR.—RESOLUTION TO CALL A PARLIAMENT.—MOTIVES OF LAUD AND STRAFFORD IN SUPPORTING IT.—DIFFERENT ANTICIPATIONS RESPECTING IT.—PARLIAMENT ASSEMBLED.—ITS CAUTIOUS MANNER OF PROCEEDING.—SPEECHES OF GRIMSTONE AND PYM.—DISPUTE BETWEEN THE TWO HOUSES.—KING'S MESSAGE BY SIR HENRY VANE.—PARLIAMENT DISSOLVED.—UNCONSTITUTIONAL PRACTICES OF THE GOVERNMENT RESUMED.—COUNCIL OF PEERS.—LONG PARLIAMENT SUMMONED.

CHAP. XIV.

1640. Oversight of Charles and his ministers.

THE reader has seen that when Charles resolved to govern without a parliament, he speedily closed his hostilities with France and Spain. It has appeared, also, that to avoid the recurrence of any similar occasion of expenditure, was urged on the king by his ministers as of the first importance. But it does not seem to have been remembered that a treasury scarcely less considerable than would be required to prosecute a war abroad, might be necessary to preserve tranquillity at home. Neither Charles, nor his favourite advisers, Strafford and Laud, could at all conceive of an opposition to the government, whether relating to the laws or the religion of the kingdom, which it would not be possible, and even easy, to subdue.*

* "Strafford could only view in the daring unyielding spirit of Eliot 'a fantastic apparition,' and at a much later period classes the meditative

CHAP. XIV.

1640. Scotland and episcopacy.

Hence the same arbitrary measures which had spread so much disaffection through England and Ireland, were extended to Scotland, and with the same effect. The establishment of episcopacy in the north was regarded as affording the only pledge of its loyalty and obedience; and, upon the same principle, the English service-book, with a few alterations, which only made it more obnoxious,

1636. was to be imposed. No artifice could have rendered these innovations palatable; but the regardlessness of law, civil or ecclesiastical, with which they were enforced, made them still more odious.

1637. July 23 On the day on which the service-book was to be first read in Edinburgh, a tumult arose, which suddenly spread itself through the kingdom, and,

1638. Feb. 19. with surprising rapidity, assumed the form of an organized rebellion.*

Hampden, and the active Pym, with the Prynnes, the Burtons, and the Bastwickes; and degrades his own sagacity, as much as his taste, when, alluding to Hampden, he hints that a certain famous pedagogue 'might be well employed to whip this angry boy.' Strafford could only be jocular on the curt names of 'the Pyms, the Prins, and the Bens;' and with ludicrous contempt affects 'to fence himself, as strongly as he could, against the mouse-traps, and other small engines, of Mr. Prynne and his associates." Commentaries on the reign of Charles the First. III. 7, 8. But, as this writer has shown, thus it was with the rulers of France on the eve of that convulsion whose throes began with the opening of 1789;—and thus, as all history shows, it has generally been with the abusers of power. Flattery and habit, produce an intoxication which allows the judge to be at the door before the culprits are conscious of their peril. Mr. D'Israeli asks to whom Strafford could allude as the " Bens" in the above passage. It is hardly doubtful that it refers to sir Benjamin Rudyard, the senator whose talent, and general worth, are lauded both by Mr. D'Israeli and Dr. Southey. See the speeches of Rudyard, to 1629, in Parl. Hist. II. 45, 101, 234, 272, 334, 385, 419, 463.

* The writer, whose language occurs in the preceding note, supposes that the state of public opinion in Scotland, respecting the episcopal liturgy, took the king by surprise. Charles was, no doubt, surprised to find the feeling of the Scots on that subject thus expressed; but its existence was not unknown to him, and, to curb their insolence, had been thought, as usual, a necessary step to the preservation of his royal dignity. More than two years

1640. Alarm of Laud and Strafford.

Laud, to whose evil genius this calamity was mainly attributed, watched its progress with indignation and astonishment, and not without wounded pride. Strafford was called from Ireland to aid in

before the Scottish invasion, Principal Baillie thus wrote to one of his brethren:—"We heard that the bishop of Edinburgh had obtained that we should be quit of the surplice, cross, apocrypha, and some other trash of the English liturgy; but since that time they say that Canterbury (Laud) sent down to our chancellor a long writ of additions, which, will he would he, behoved to be put in. However it be, my lord treasurer brought home a copy of our Scottish service, printed in London; which sundry have perused, and say they find no difference betwixt it and the English service, save one, viz. an addition of sundry more popish rites, which the English want. At the delivery of the element there is a very ambiguous prayer, as they say, looking much to transubstantiation. *Almost all our nobility and gentry, of both sexes, count that book little better than the mass, and are far on a way to separate from all who will embrace it.* Who will not yield, he is a factious rebel not only against the kirk and king, but God and his fifth commandment."—Baillie's Letters, I. 1, 2. This valuable collection of papers was first printed from the MSS. of the author in 1775. The second letter in the series shows that Scotland was in a state of ferment from the commencement of 1637. "Some of the non-conform party make it (the liturgy) their daily text, to show the multitude of popish points contained in the book; the grossness of it far beyond the English; the way of imposing it not only without a meeting of either church or state, but contrary to the standing laws of both; in a word, that it was nought but the mass in English, brought in by the craft or violence of some two or three of the bishops against the mind of all the rest, both of church and statesmen. These things, sounded from pulpits, were carried from hand to hand in papers, were the table-talk and open discourse of high and low." Before the obnoxious book was imposed he writes, "I think our people possessed with a bloody devil, far above any thing I could ever have imagined, though the mass in Latin had been presented. The ministers, who have the command of their mind, disavow their unchristian humour; but are no way so zealous against the devil of their fury as they are against the seducing spirit of the bishops."—Ibid. I. 4, 10, 11. When the covenant in favour of presbyterism was introduced the year following, the men of Scotland who swore to it were as a hundred to one.—Ibid, 35. Charles condemned the national association called "the tables," as treasonable, and did the same with respect to the league and covenant which superseded it. At length some show of concession was made, but it was not until the covenanters had learnt their strength, and, what was a much greater difficulty, had learnt to suspect the royal sincerity. See Hardwicke Papers, II. 95, *et seq.*, which show that Charles was told of what would result from his policy at this juncture. For proof of his insincerity see Burnet's, Hamilton's, 55, *et seq.*, and Strafford Papers, II. 181, *seq.* His covert intentions were quite as much suspected in England as in Scotland. Dalrymple, II. 43.

CHAP. XIV. 1640.

meeting the difficulty, and both began to be oppressed with unwelcome thoughts as to the probable issue of the struggle to which they found themselves committed.*

Poverty of the government at this time.

At this inauspicious moment 200*l.* was all that remained in the exchequer. To call a parliament was to expose themselves to unknown perils; to impose any new burden on the people would probably be to spread the flames of civil discord nearer home. The utmost that could be at present obtained, by every possible expedient, was 110,000*l.*; and could a much greater sum have been procured, there was still room to apprehend that the men who should be raised, would be more disposed to hail the Scots as brethren, than to fight against them as enemies.†

Disappointed of foreign aid.

Hence it was proposed to obtain ten thousand regular troops from the army in Flanders, on condition of returning the same number from England and Ireland, to serve under the king of Spain. It was suggested that this force, together with what might be raised in England, would enable the king to subdue the Scots, and render even a parliament submissive. Charles entertained the project until the archduke excused himself from making the proposed exchange of veterans for mere recruits.‡ He then applied himself more

* Strafford Papers, II. 250, 264. Dr. Lingard says, that Charles did not deign to consult his council on affairs in Scotland, until after the return of the Marquis of Hamilton from that country (Jan. 1639.) — Hist. X. 70. He had previously consulted Laud on the subject. See Dalrymple, II. 40. The well-known taunt of Armstrong, the king's fool, shews where the blame of this business was understood to rest. See the primate's letters, ibid., II. 3—17.

† Strafford Papers, II. 191, 267.

‡ Clarendon Papers, II. 16—29, 50.

seriously to the means within his reach; and having collected the trained bands from the counties, and summoned the peers to meet him, each with a suitable retinue, at York, he proceeded toward Berwick.*

Discouraging state of the king's affairs.

Before his arrival at the borders, the army of the covenanters had possessed itself of every considerable fortress in Scotland, and consisted of twenty thousand men, all animated by a religious zeal, which promised to render them invincible. Charles could not be insensible that if his followers had been greatly more numerous than the enemy, they were destitute of that interest in the object of the war, which would alone render success probable. Laud had made himself odious to many of the nobility, who now persisted in regarding these troubles as the effect of his insolence and tyranny. The puritans had suffered too much from his severity, and that of the sovereign, and were influenced by sentiments too much in unison with those of the insurgents, to leave their wishes, as to the result of the conflict, at all doubtful. The king was accordingly left to such aids as were to be derived from the more obedient of the clergy, from the immediate dependants of the court, or from his catholic subjects. The last party had long experienced his lenity, and must have known enough of the puritans, in both kingdoms, to be aware that, in their case, an adherence to the royal cause was dictated alike by gratitude and interest.†

* Rushworth, II. 791, *et seq.* 820, *et seq.* Strafford Papers, II. 350, 351.

† There is a curious letter in Dalrymple, which shews the state of feeling in England, on this subject, in the summer of 1638, about nine months before the actual commencement of hostilities. "There be preparations for twenty

CHAP. XIV. 1640.

The following is a description of the Scottish army, as encamped within sight of the English, the Tweed dividing them. It is from the pen of Principal Baillie. "It would have done you good to have cast your eyes athwart our brave and rich hills as oft as I did, with great contentment and joy. For I was there among the rest, being chosen preacher by the gentlemen of our shire, who came late with Lord Eglinton. I furnished to half a dozen good fellows muskets and pikes, and to my boy a broadsword. I carried myself, as the fashion was, a sword, and a couple of Dutch pistols at my saddle; but I promise for the offence of no man, except a robber in the way. For it was our part only to pray and preach for the encouragement of our countrymen, which I did, to my power, most cheerfully. Our hill was garnished on the top, towards the south and east, with our mounted cannon, well near to the number

thousand men, of swords, guns, &c. forty pieces of ordnance, and forty carriages. The carl marshal of England is to go into the north, there to secure those parts, where Berwick, Newcastle and Carlisle are to be fortified; but it is thought they will not get two hundred men for their twenty thousand arms in this cause. You will not believe how heartily the cause is nigh to succeed amongst the nobility, gentry, and commonalty. I hear it the unanimous consent of many leading persons, that they hope to find an America in Scotland, and all designs foreign (emigrations) receive a stoppage until they see wherein yours will determine. If a liberty can be had with you, there will hardly be found receipt for those who will thrust themselves among you, such who are men of eminent rank, and great estates.—Such as I have spoken with have often wished that you be sure at the close of your agreement, that you make petition that there may be free traffic preserved betwixt yourselves and the other subjects of the king's dominions."—Il. 40—42. The Scots are reminded, in conclusion, that their "friends the bishops" accuse them of making this quarrel of conscience a plea for casting off the yoke of government, and changing the sovereignty; and the writer states, that many of their friends in England were concerned to discover how they could "force the king" without enabling their enemies to strengthen this artful charge against them.

of forty, great and small. Our regiment lay on the sides of the hill, almost round about. The place was not ample in circle, a pretty round rising in a declivity, without steepness, to the height of a bowshot; on the top somewhat plain; about a quarter of a mile in length, and as much in breadth, capable of tents for forty thousand men. The crowners lay in canvass lodges, high and wide; their captains about them in lesser ones; the soldiers about all, in huts of timber, covered with divot or straw. Our crowners, for the most part, were noblemen.—Those of the English that came to visit our camp did gaze with much admiration on these supple fellows (highlanders), with their plaids, and targets, and dorlachs. There were some companies of them under Captain Buchanan, and others in Erskine's regiment. Our captains were, for the most part, barons, or gentlemen of good note; our lieutenants most of old soldiers, who had served over sea in good charges. Every company had, fleeing at the captain's door, a brave new colour, stamped with the Scottish arms, and this motto, FOR CHRIST'S CROWN AND COVENANT, in golden letters. Our general had a brave royal tent, but it was not set up. His constant guard was some hundreds of our lawyers, musketeers, under Durie and Hope's command, all the way standing in good arms, with locked matches, before his high gate, well apparelled. He lay at the foot of the hill. Our soldiers grew in experience of arms, in courage, in favour daily. Every one encouraged another. The sight of the nobles, and their beloved pastors, daily raised their hearts.

CHAP. XIV. 1640.

The good sermons and prayers, morning and evening, under the roof of heaven, to which their drums did call them for bells; the reminding them very frequent of the goodness of their cause; of their conduct hitherto by a hand clearly divine; also Lesley's (the general) skill, and prudence, and fortune, made them as resolute for battle as could be wished."*

Pacification of Berwick. June 13.

A knowledge of these circumstances, and the painful deficiencies of his own resources, taught Charles to suppress his resentment, and indirectly to solicit a negotiation, which ended in what is called the pacification of Berwick. The aged covenanter, whose words we have just cited, was a party to this treaty; and in one of his numerous private letters has described the feeling which, on the part of his countrymen, led to it. "We knew the great advantage we had of the king; yet such was our tenderness to his honour, that with our hearts we were ever willing to supplicate his favour. Yea, had we been ten times victorious in set battles, it was our resolve to have laid down our army at his feet, and on our knees presented nought but our first supplications. We had no other end of our wars. We sought no crowns; we aimed at no lands or honours; we desired but to keep our own in the service of our prince, as our ancestors had done. We loved no new masters. Had our throne been void, and our voices sought for the filling of Fergus's chair, we would have died before any other had sat down on that fatal marble but Charles alone."†

* Letters, I. 174, 177. † Letters, I. 179.

It was this feeling of generous loyalty which aided to keep the Scots motionless, when they might have compelled the king to a disgraceful retreat, or have obliged him to risk a battle with scarcely a prospect of victory. "What to have done when we came to the Tweed side, we were very uncertain. The king might have been so wilful as rather to have hazarded his person than have raised his camp. Had he incurred any skaith, or been disgraced by a shameful flight, our hearts had been broken for it."*

The sincerity of these professions, and of many similar expressions connected with them, will not be doubted, if it be remembered that they occur in a correspondence never meant to become public. They are in striking contrast with the character of this struggle, as described by the courtiers of that age, and their copyists since. The Scots were not willing that their civil constitution should be trampled on by a single will; but when this was done as the means of destroying their religious independence, the aggression was too

* Letters, 1. 182. This writer remarks, "I had drunken in, without examination, from my youth, that slavish tenet, that all resistance to the supreme magistrate in any case was strictly unlawful. But setting myself to diligent reading and prayers for light to that question, which the times required to be determined without delay, I found my doubts loosed, especially by those who were alleged to be most opposed to that tenet."—152. He speaks, in a previous letter, of having learnt to discard the doctrine of passive obedience, chiefly by reading Bilson's book, intitled, *De Subjectione*, "who defends the practice of all Europe, France, Spain, Germany, England, Flanders, Scotland, Denmark, and Sweden, who at divers times, and for sundry causes, have opposed their princes." He adds, "I see the reformers of our Scottish church all to the contrary [of non-resistance], Luther, Melancthon, Bucer, Martyr, Beza, Abbots, Whitaker, also give leave to subjects in some cases to defend themselves, where the prince is absolute from subjection to any man, but not absolute from obligation to the laws of church

CHAP. XIV. 1640.

violent to be endured; and as their fond loyalty did not allow them to fix the blame on the king, to whom it chiefly belonged, but on the prelates who had taken advantage of his "sweet spirit," all their wrath fell on what they called the Canterburian party in both kingdoms.

Pacification of Berwick abandoned.

The pacification of Berwick was of short continuance. The terms, as supplied afterwards by the opposite parties, were ambiguous and contradictory; and it was soon resolved by the court, and especially by the monarch, to renew hostilities.

Aug. 4.

Renewed preparations for war. Nov. 14.

The committee appointed to provide the means of carrying this resolution into effect, issued writs which were to secure 200,000*l.*, under the name of ship-money. These committee-men were the persons who had long supported the monarch in his assumed independence of parliament. So convinced, however, were they of their inability to meet the claims which would soon be made upon them, that we find them unanimous in urging Charles to assemble the representatives of his people. This they ventured to affirm was the only method of obtaining a supply at all equal to his wants. It was not until thus deserted by every

and state."—89. "They will have us believe, that our whole state, were they to be all killed in a day, or be led to Turkism, to be spoiled of all liberty, goods, life, religion, all, yet they may make no kind of resistance. The conclusion is horrible. A pity that in these most dangerous times (Sept. 1638), Canterbury (Laud) should cause print among us such conclusions which, if they came from the prince, would put all our people in absolute desperation. But, God be thanked, none of our princes did ever crave what they ascribe to them, much less to be absolved from the tie of laws—yea, not the power to impose taxes, so far as we have yet heard, was ever assumed, by any of our princes to this hour; but all our civil laws have ever been made, and taxes ever imposed by the king and his states in parliament or convention."—Baillie's Letters, 1. 89, 90.

member of his council, that the monarch consented to a restoration of the legislative powers of his kingdom. Nor did he comply even then, until the following significant question had been put to his advisers, and answered in the affirmative :—" If this parliament should prove as untoward as some have lately been, will you then assist me in such extraordinary ways as in that extremity shall be thought fit ?" *

Resolution to call a parliament. Dec. 5.

It is difficult to determine the degree of credit due to such counsellors as Laud and Strafford in advising this return to the sacred forms of the constitution. It was plain that a parliament must be convened in England, or sovereignty become a

Motives of Laud and Strafford in supporting it.

* Clarendon Papers, II. 81, 82. Sidney Papers, II. 614—623. Clarendon's Hist., I. 217, 218. Thoughtful men had begun to despair of ever seeing a parliament again in England, and Charles had continued to flatter himself with being soon as independent of all such assemblies as the kings of Spain and France. Dalrymple, II. 42. May's Hist., II. Strafford Papers, I. 141. II. 246. The following "private warrant" was delivered by Charles to the Marquis of Hamilton, when deputing that nobleman to treat with the covenanters at Berwick :—" We do by these presents not only authorize, but require you to use all means you can with such of the covenanters as come to Berwick, to learn what way they intend the estate of bishops shall be supplied in parliament; what our power shall be in ecclesiastical affairs; and what further their intentions are. For which ends you will be expected to speak that language which, if you were called to an account for by us, you might suffer for it. These are therefore to assure you, and if need be to testify hereafter to others, that whatsoever you shall say to them, to discover their intentions in these particulars, you shall neither be called in question for the same, nor yet it prove in any way prejudicial to you, nay, though you should be accused by any thereupon. Berwick, July 17, 1639."—Hardwicke Papers, II. 141. This collection contains also the minutes of a cabinet council on the 16th of August, 1640, and the following intimation as to the king's intentions when quitting London for York—" No honour against the rebels. He will be careful what to do."—148. Charles afterwards lamented having to do with " a subtle people," who were not to be duped by this Machiavelian policy.—Ibid. 239. Hamilton, whose remark concerning them was, "Next hell I hate this people," (119) considered it necessary to remind the peers at York that " the Scots are very well instructed, and well versed in their laws; the English lords not."—Ibid. See Clarendon, I. 271, 272.

CHAP. XIV. 1640.

mere name in Scotland; and as the meeting of such an assembly was unavoidable, it was important that the men who had most to fear from its resentment, should anticipate that feeling by some overture of friendliness. To urge the calling of a parliament was to do this. But the policy which had failed in the case of Buckingham, was to prove as little serviceable to his successors in royal favour. It is more pleasing, however, to hope, that amid the wreck of better feeling, in the case of Strafford, there still existed a lingering affection for those scenes of honourable conflict in which his commanding faculties were first developed and appreciated. The weak may shun a combat with the strong; but, the eloquent disputant, it has been frequently observed, is commonly the friend of popular assemblies.*

Different anticipations respecting it.

It was not easy at this moment to say what the result of assembling a parliament would be. The king evidently suspected that the new assembly would be scarcely more manageable than those which had preceded it; and this suspicion was by no means unreasonable. But he could comfort himself in reflecting, that should it be so, a plea might be derived from the fact in favour of those "extraordinary ways" of government which had been already resorted to, but which, without some new pretext, could be no longer prosecuted with safety. It is likewise true, that the degree of submission manifested through the kingdom, during so many years of illegal administration, had taught others to conclude that the humours of the country,

* Laud's Diary, *ubi supra.*

as they were called, had been so far subdued as to render it probable that a more tractable disposition would be shown by the representatives of the people.

Yet it could not, on the other hand, be concealed, that the assembling of a parliament at all, proceeded from necessity, or from the rising power of this very people, and not from any change in the sentiments of the monarch, or of the court. It was also probable—and a formidable probability it was—that many who had been submissive when opposed as private men to the whole power of the government, would gather strength, and appear more mindful of their wrongs, when brought into association, and shielded by their privileges, as members of the national council. Before the parliament met, it was ascertained that the elections had generally fallen in favour of persons who had been most active in the popular cause. Hence, while the nation looked forward to that assembly as to one that should repair the inroads made on the liberty of the subject, and remove its grievances, the king regarded it with that jealousy and apprehension which a combination of circumstances, so unfavourable to his authority, could hardly fail to produce. It is true that during the months in which these opposite anticipations were entertained, ship-money was exacted with a rigour equal to that of any former period; but the ruinous necessities of the government rendered this almost indispensable; and it was hoped, in this way, to avoid the appearance of weakness.*

Parliament assembled.

It was on the fifth of December that Charles

* Clarendon, l. 229—231.

CHAP. XIV. 1640. April 13.

concurred with the unanimous advice of his council to assemble a parliament. It was not until the thirteenth of April that the two houses were convened. Two objects appear to have occasioned a delay, apparently so undesirable and unnecessary: A liberal grant was to be first obtained, by the influence of Strafford, from the parliament in Ireland, to which it might be important to refer in appealing to the people of England; and the urgency of the royal claims being so much the greater by being thus deferred, was expected to afford a stronger pretext for pressing an immediate attention to the business of supply, leaving the topic of grievances untouched, until that preliminary should be settled. At the meeting of parliament no pains were spared to bring matters to this point—the king and his ministers representing every delay as exposing the royal authority to insult and the utmost peril.*

Its cautious manner of proceeding.

It was determined, however, by the leaders of the commons, that before granting the money of their constituents, their voice should be heard with regard to the late invasions of property, the novelties which had been connected with religion, and some notorious infringements of parliamentary privileges. In the discussion of these particulars, there was decision, and there was energy; but, withal, so much cautious propriety of speech, that scarcely a word was uttered partaking in the least of indecorum. One member denounced ship-money as an abomination; and this very pardonable ebullition called forth the reproof of the house. Another

* Clarendon, I. 232, 233. Strafford Papers, II. 370, *et seq.* Clarendon Papers, II. 82. Parl. Hist. II. 532, 533, 553, 554.

spoke of the rising in Scotland as the war of episcopacy; urging, that as such, it should be left to the management of the bishops. But Clarendon assures us that no second speaker cared to follow this invidious style of expression.*

Speech of Mr. Grimstone. April 18.

The fervour of the patriots, however, was chastened, not extinguished. Mr. Harbottle Grimstone, who seems to have spoken first, contended that the evils which had become so extensively interwoven with all public transactions in England, were, in truth, a more fit subject of alarm than the commotions in Scotland; and recommended that, as being first in importance, they should be taken first in order. "The case," he observes, "is this: the charter of our liberties, called Magna Charta, was granted unto us by king John, and was but a renovation and restitution of the laws of this kingdom. This charter was afterwards, in the succession of several ages, confirmed unto us above thirty several times; and, in the third year of his

* Hamilton assured Charles sometime since that the Scotch bishops were "not of the best lives," and particularly inclined to simony. He speaks also of the hatred of that order in Scotland as strictly national. Hardwicke Papers, 11. 113—121. The presbyterians, however, were not much more tolerant than the prelates, though the domination of an immense majority is not quite so unnatural as that of an insignificant faction. "Ministers who refuse to read the covenant are called before their presbyteries, to hear and see themselves deposed, and all this without warrant, or so much as taking notice of their ordinary (bishop). Gentlemen of quality also are refused the benefit of communion, for refusing to subscribe the band (covenant),"—Ibid, 107. One of these Scotch prelates, Walter by name, was advised to forego reading the service-book for a time; "but he, being resolved to serve the king when other feeble cowards couched, would not be counselled, but on the Sunday following went to the pulpit with his pistols, his servants, and, as the report goes, his wife with weapons. He entered early, when there were a few people, closed the doors and read the service: but when he had done he could scarce get to his house; all flocked about him, and had he not fled, he might have been killed. He durst never try that play over again."—Baillie, 1. 24.

CHAP. XIV. 1640.

majesty's reign that now is, we had more than a confirmation of it; for we had an act declaratory passed, and, to put it out of all question for the future, his majesty, by his gracious answer, invested it with the title of the Petition of Right. What expositions, contrary to that law of right, have some men given to the undermining the liberty of the subject with newly invented subtle distinctions, assuming to themselves a power—I know not where they had it out of parliament—to supersede, annihilate, and make void the laws of the kingdom? The commonwealth hath been miserably torn, all property and liberty shaken, the church distracted, the gospel, and the professors of it, persecuted; and the whole nation overrun with swarms of projecting canker-worms and caterpillars, the worst of all the plagues of Egypt." His proposal, accordingly, was to ascertain, without delay, in what respects the Petition of Right had been violated, and to detect and punish every instrument of misrule.*

Speech of Mr. Pym.

But, in this debate, the speech of Pym, which occupied two hours, appears to have most fully expressed the sentiment of the house. His experience in the business of parliament was equal to that of any man living; and his reputation is admitted to have been without a stain. A parliament, he remarked, is the soul of the body politic, and if allowed only an imperfect exercise, a general state of disorder is inevitable. But this pernicious kind of restraint had been imposed on it, when the speaker of the last parliament refused

* Parl. Hist. II. 542—544.

to put the remonstrance that was laid before him, and when the privilege of the private offender not to be condemned unheard, and even of the dying, to record his will, and to utter his expiring groan, was denied. This, also, was done, when the judges presumed to question the proceedings of their superiors in parliament; and when the courts of law pretended to a right to imprison certain members on account of their conduct in that house —a measure which had shortened the days of some, and placed an interminable confinement in the view of others.

The grievances in relation to property included the levying of the duties of tonnage and poundage, without consent of parliament, contrary to all legal precedent; the enforcement of the laws of chivalry, in the matter of knighthood, beyond their original intention, and for the purpose of making them a source of unlawful revenue; the obtrusion of opinions from the judges on questions not properly before them; the enlargement of the royal forests; the abuse of monopolies; the tyranny of the star-chamber, and the exaction of ship-money.*

In adverting to the grievances which concern religion, the same speaker deplores the great

* Fineh, now lord keeper, told the two houses that his majesty had instrueted him to say that the eustoms had been taken merely *de facto*, until the parliament should pass an aet for them.—Parl. Hist. II. 533. On the question of monopolies it was remarked by Mr. Pym, that "the third part eomes not into his majesty's coffers; as to instanee in the ease of wines. The king took only 30,000*l.* per annum upon them, whereas the wines, in the gains by the patents, eome to 80,000*l.* at the first, from the time of their arrival; and being drawn eome to 230,000*l.*; and the same proportion holds in all other monopolies. Hereby it appears how mueh the subjeet is damnified, and how little the king gains."—Ibid, 551. So thrifty was the administration of England during the haleyon interval from 1629 to 1640!

CHAP. XIV. 1640.

encouragement which is given "to them of the popish religion, by a suspension of all laws that are against them." It was not his wish that new laws should be enacted, or that the old should be strictly enforced, but that there should be such "a practice of them that the religion which can brook no rival" might not destroy the religion of the land by becoming "too concurrent with it." "There is an intention," he observes, "of a nuncio from the pope, who is to be here to give secret intelligence to Rome how we incline, and what will be thought fit to win us thither. I observe as a great grievance, that there are divers innovations in religion among ourselves to make us more capable of a translation; to which purpose popish books have been published, disputations of popish points have been used in the universities and elsewhere with privilege, preached in the pulpit, and maintained for sound doctrine. We are not now contented with the old ceremonies, I mean such as the constitution of the reformed religion hath continued unto us, but we must introduce again many of those superstitious and infirm ceremonies which accompanied the most decrepid age of popery. I would observe also, the daily discouraging of all godly men who truly profess the protestant religion, as though men could be too religious. Some things are urged by ecclesiastical men, without any ground by any canon or article established; nay, without any command from the king, either under his great seal or by proclamation. The parliament, ever since queen Elizabeth's time, desired the bishops to deal moderately; but how they have answered those desires

we all know, and those good men for the most part feel. I may not forget that many of the ministers are deprived for refusing to read the book for sports and recreations on the sabbath, which book was a device of their own, and I may affirm hath many things faulty in it. Then there is the encroaching on the king's authority by ecclesiastical courts; the high commission, which takes upon it to fine and imprison men, enforcing them to take the oath *ex-officio*, with many of the like usurpations, such punishments belonging only to temporal jurisdictions; and it hath been resolved in the time of king James, that the statute of Elizabeth gives them no such power. Moreover, the power which they claim, they derive not from the king nor from any law or statute, but they will have it immediately from heaven—*jure divino*. Divers ordinaries, chancellors, and archdeacons take upon them to make and ordain constitutions within their particular limits. All these things are true, to the knowledge of most that hear me." This passage will shew the light in which the policy of Laud and his disciples was regarded by the majority of the lower house, and we may add, of the nation.*

* The effect of these and other speeches was the following orders:—1st, That the records and proceedings in the star-chamber and king's bench, that concerned several members of this house in the last parliament, should be sent for immediately, viz. sir John Eliot, Mr. Strode, Mr. Selden, Mr. Valentine, Mr. Hollis, sir Peter Hayman and others. 2d, That a select committee be appointed to meet for the stating of the matter of fact touching the violation of the privilege of parliament, the last day of the last parliament, and to report their opinion of it to the house. 3d, That the records, enrolments, judgments, and proceedings, in the exchequer, and all other courts whatsoever, concerning ship-money, should be sent for. Warrants signed by the speaker were issued accordingly to the several courts.

Charles told Finch to assure the house that he "never had it in his heart to make an annual revenue of ship-money!"—Parl. Hist. II. 533, 551.

CHAP. XIV.

1640.

Dispute between the two houses. April 20.

When some days had passed in the discussion of these topics, the king became impatient, and by the lord keeper reminded the house that his wants were too urgent to admit of the delay which such disputes must occasion. This message, however,

April 22. did not alter the purpose of the patriots.* The king next presented himself in the house of lords, and advised their lordships to refuse concurrence with the commons in preferring the matter of grievances before granting a supply, and urged,

23 moreover, that they should endeavour to bring that less manageable branch of the legislature to a speedy compliance with his wishes. Many of the peers saw the imprudence of the course thus prescribed, but the majority adopted the king's advice, and the effect was a sharp dispute between the

25. two houses.† The commons were unanimous in regarding this obtrusion of the lords' opinion respecting a supply as a breach of privilege. The lords in their answer admitted, that it did not

* Mr. Edmund Waller delivered a speech, at this stage of the proceedings, in favour of seeking a redress of grievances before voting a supply, in the course of which he made some sharp reflections on the court clergy. "I am sorry," he observes, "these men take no more care to gain our belief of those things which they tell us for our soul's health, while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the subjects of England. But they gain preferment, and then it is no matter, though they neither believe themselves, nor are believed by others. Yet since they are so ready to let loose the conscience of their king, we are the more carefully to provide for our protection against this pulpit law, by declaring and reinforcing the municipal laws of the kingdom. It is worthy of observing how new this opinion, or rather this way of rising, is, even among themselves; for Mr. Hooker, who was no refractory man (as they term it) thinks 'That the first government was arbitrary, until it was found that to live by one man's will became all men's miseries.' These are his words, concluding that 'this was the original of inventing laws.'" Parl. Hist. II. 558.

† The resolution of the lords to interfere was adopted "after long and great debates."—Journals.

pertain to them to suggest any thing as to the amount or the manner of raising a supply, but that they judged themselves competent to intimate their opinion as to the expediency of a supply in general.* 1640. May 1.

The King's message by Sir Henry Vane. May 2.

In this stage of the discussion, sir Henry Vane was the bearer of a message to the lower house, which assisted to bring the affairs of the monarch to a crisis. The demand of Charles was an immediate supply of his wants. There were men in that assembly who were against voting the smallest sum until their principal grievances should be redressed. The majority might have been induced to adopt a middle course, granting such an amount as should meet the present exigency; but this pacific intention was frustrated by the bearer of a second message, which stated that nothing less than an immediate vote of twelve subsidies, being about 850,000*l.*, to be paid in three years, would be accepted. We can believe that this communication was heard with surprise, and no patriot could hear it without displeasure. The house had already sat some hours beyond its usual time. 4.

* Parl. Hist. II. 562, *et seq.* In an expected conference with the lords, the commons proposed entering upon inquiries relative to most of the ecclesiastical grievances of the times. Among the matters to be introduced were the following:—The removal of the communion table, and its use as an altar—the setting up of crosses, images, and such things, in churches—the refusing of the sacrament except to such as came to the rail of the table, set altar-wise, and the excommunicating of such persons—the enforcement of articles of visitation on the part of certain prelates, on their own authority—the molesting, suspending, and depriving of many godly and conformable ministers, for not yielding to matters enjoined without warrant of law, especially for not reading the Book of Sports—the restraining of conformable ministers from preaching in their own charge—and the attempts to make ecclesiastical canons binding without consent of parliament.—Ibid, 565. The parties of which the court was now composed must each have shrunk from investigations of this nature.

CHAP. XIV.

1640. Parliament dissolved. May 5.

On the following morning, to the sorrow and alarm of the better portion of his subjects, Charles dissolved the parliament. This was done in less than three weeks from the time of its meeting.*

It is said that the monarch was deceived in this affair by the artifice of Vane, who went beyond his commission, and that Charles expressed his regret on the following day for what he had done.† But the accuracy of this statement is more than doubtful, especially from the reasons of his conduct, published by the king immediately afterwards.

In the document containing those reasons, Charles assures his subjects that the dissolution of the late parliament proceeded from the insolent interference of the commons with the affairs of his government; from their attempts to degrade his administration of justice and to injure the character of his ministers; and from their ungenerous spirit of bargain and sale.‡ The truth is, this brief session exhibits a spirited struggle between the crown and the people: Charles

* The only redress proposed in return for the sum claimed was, that the king would, "of his graee and favour," abolish ship-money.—Parl. Hist. 570, 571.

† Laud affirms that Vane told the king the house was about to determine that no money should be granted to be employed against the Seots, and that this oeeasioned the dissolution.—Troubles, 78. Mrs. Hutehinson also says, that Charles broke up the parliament, "apprehending that if he had suffered them to sit a day longer, they would have voted against the war with Seotland, whieh he was violently bent to proseeute."—Memoirs, I. 137. It was, no doubt, the wish of the patriots to have the Scoteh differenees and their own, adjusted, if possible, without the aid of the sword. But that Vane's report, if it was ever made, was eorreet, will hardly be supposed. The king eertainly eonsidered the delay of supplies as affording more eneouragement to his enemies than to himself.—Nalson, I. 342, 343. Clarendon, I. 244—246.

‡ Parl. Hist. II. 572—584. Mr. Hume has taught the court party at this juneture to deseribe the king as a prinee "whose word was, as yet, saered and inviolate;" and this in the faee of the Petition of Right, and the history of the government sinee 1628!—VI. Chap. liii.

plotting to obtain a large supply while evading a redress of the wrongs complained of by the nation, and the patriots determined to risk every thing rather than become the dupes of this artful policy.

Unconstitutional practices of the government resumed.

No part of the king's proceedings had given more just offence than the practice of committing some of the popular members to prison, as soon as an offending parliament was dissolved, and this act was generally followed by a close search of their apartments for papers. Both practices were now renewed.* Ship-money was levied with increased rigour, and all the plans of securing a revenue, which had of late become prevalent, and even more than all, were promptly pursued. The conduct of the sovereign discovered abundantly that this mode of replenishing the treasury was far more agreeable to him than that required by the constitution; and he accordingly continued to hope, that victory attending him against the Scots, the government at home might be strong enough to maintain its independence of the public will. It should be observed also, that this vain hope was indulged amid the riots of the capital, which threatened the lives of his ministers; amid the sudden avowal of opinions unfavourable to the very existence of monarchy; amid strong suspicions of a secret understanding between the disaffected in England and the insurgents of the north; and, in a word, amid expressions of discontent and alarm, which embraced all classes of his subjects. So tenacious was Charles of his

* Nalson, I. 344.

CHAP. XIV. 1640.

unauthorized authority—so hard was it to entertain even the thought of parting with it!*

Within three months, however, his favourite delusion was doomed to disappear. The soldiers raised were averse to the war—in some instances violently mutinous; and the money obtained was by no means equal to the protracted expenditure.

Council of Peers. Sept. 24.

To avoid another meeting with the commons, Charles assembled a council of the peers at York. But the greater number of these, and not less than ten thousand inhabitants of London, petitioned for a parliament, as the only means of restoring tranquillity, of removing the evils which had been so long connected with the government, and of bringing the resources of the nation to the relief of the crown. To this course of proceeding, hateful as it evidently was, the monarch found himself obliged to conform.†

Long parliament summoned. Nov. 3.

* Whitelock, 32, 33. Laud's Diary, 58. Troubles, 79. Rushworth, III. 1173, *et seq.* The speaker of the last parliament expressed his hope that the nation did not include any "antimonarchical spirits, or resolutions, no, nor dispositions, nor friends to such as are so."—Parl. Hist. II. 538. The existence of such persons was no secret after the dissolution of the two houses a few weeks later.

† Nalson, I. 436, 437. Rymer, XX. 414, 425. Parl. Hist. II. 584—591. Hardwicke Papers, II. 168, *et seq.* These papers contain some interesting notes of proceedings in the council of peers. No name occurs more frequently than that of the earl of Bristol, or in a manner indicating a greater attachment to the king's interests. His object is said to have been to serve the monarch by ruining his chief advisers, Strafford and Laud.

CHAP. XV.

THE LONG PARLIAMENT.

STATE OF POLITICAL FEELING THROUGH THE NATION AT THE MEETING OF THE LONG PARLIAMENT.—MODERATE TEMPER OF THAT ASSEMBLY. —SPEECH OF SIR BENJAMIN RUDYARD. — SPEECHES OF THE MEMBERS PRINTED AND CIRCULATED.—RESTORATION OF SILENCED MINISTERS.— COMMITTEE RELATING TO SCANDALOUS CLERGYMEN. — PROCEEDINGS AGAINST THE BISHOPS PEIRCE, AND WREN, AND DR. COSINS. — IMPEACHMENT OF STRAFFORD, LAUD, AND WINDEBANKE. — RELEASE OF PRYNNE, BASTWICK, AND BURTON. — GRIEVANCES REDRESSED. — BILL FOR TRIENNIAL PARLIAMENTS.—COURTS OF STAR-CHAMBER AND HIGH COMMISSION ABOLISHED. — ATTACK ON THE HIERARCHY. — REVIEW OF THESE PROCEEDINGS.

CHAP. XV.

1640. Political feeling of the nation at this time. Nov. 3.

It is generally admitted that on the meeting of parliament, at the close of 1640, the practice of the government had been such as to render any attempt to vindicate itself not merely useless but impolitic. Law and religion had been so dealt with, both by the king and the prelates, as to have become marshalled against them. The lords had gone over considerably to the popular side, and the popular leaders were so far impressed with the perils of the state as to have become more vehement than heretofore, and more active in spreading their fears through the kingdom. Hence the reforming temper which manifested itself so strongly

CHAP. XV. 1640.

on the meeting of the two houses was soon ascertained to be that of the nation.*

To this array of hostile influence the king had nothing to oppose, beyond some partial concessions as to the past, and some apparently cordial assurances as to the future. And it is stated by the historian of this parliament, a man who was a close observer of the feeling which pervaded it, that the patriots were not concerned to obtain from the monarch "any such acknowledgment of former errors as might seem too low for the majesty of his person; but only desired to gain his affection for the future." The king's speech accordingly was "acceptable to both houses."† The term "rebels," as applied to the Scottish army, gave some offence; but Charles explained the word so as to render it less objectionable. They were rebels, he contended, so long as they were in arms against their sovereign; but they were still regarded as subjects, and he had so described them under the great seal.‡

Moderate temper of the parliament.

Nov. 5.

Choice of a Speaker.

The choice of a speaker made it evident that the court had employed its influence in the late elections to small purpose. Gardiner, the recorder of London, was selected for that office by the king; but he failed to be returned as a member. The

* In the correspondence relating to the "Scotch troubles," preserved in the Hardwicke Papers, are many mortifying complaints as to the general disposition of the people to befriend the insurgents. "The Scots pay for all they take, except they meet with a recusant, and him they plunder. The country doth give them all the assistance they can. . . . . Had not his majesty been here in person, I do conceive it had not been possible to have induced this county (Yorkshire) to have risen, so great was the distemper when his majesty arrived here."—II. 156, 157.

† May's Hist. 47. ‡ Baillie, I. 218.

choice of the house fell on Lenthall, a lawyer in considerable practice, and in no way obnoxious to the court, but who would seem to have been indebted chiefly to this last circumstance for the honour thus bestowed upon him. He was a man of some shrewdness, but wanting in the energy requisite to such an office at such a crisis.*

Speech of Sir Benjamin Rudyard. Nov. 7.

The attention of the commons was first called to the disorders affecting the state of religion. On this subject the speeches of Pym, Seymour, Grimstone, Bagshaw, and Rudyard, were conspicuous. Rudyard is described by the enemies of the popular party as one of the most upright and eloquent men of his day. His language, however, as to the recent conduct of the government, contained a series of heavy accusations, and was, in fact, an echo of those complaints which, as falling from the lips of other men, were interpreted by courtiers as the language of sedition and irreligion.

He remarked, that they were assembled to attend to God's cause and the king's, from which their own, as christians and subjects, was inseparable. The fear of God among them would best conduce to the honour of the king; and if some former parliaments had not been so successful as was fondly expected, the cause would probably be found in their having allowed the questions of the commonwealth to take the precedence of those concerning religion.

Affairs of the church.

"We well know," he observes, "what disturbance hath been brought upon the church for vain petty trifles; how the whole church, the whole

* Nalson, I. 489. Rushworth, IV. 16, 17. Clarendon, I. 298.

CHAP. XV. 1640.

kingdom, hath been troubled, where to place a metaphor or an altar. We have seen ministers, their wives, children, and families undone, against law, against conscience, against all bowels of compassion, about not dancing upon Sundays. What do these sort of men think will become of themselves when the Master of the house shall come and find them thus beating their fellow-servants? These inventions were but sieves made to winnow the best men, and that is the devil's occupation. They have a mind to worry preaching, for I never heard of any but diligent preachers that were vexed with these and the like devices. They would evaporate and dispirit the power and vigour of religion, by drawing it out into solemn and specious formalities,—into obsolete antiquated ceremonies. Let them not say that these are the perverse suspicions or malicious interpretations of some factious spirits among us, when a Romanist hath boasted in print that the face of our church begins to alter, the language of our religion to change; and that if a synod were held, setting aside puritans, our articles and theirs would soon be agreed. They have so brought it to pass, that under the name of puritans all our religion is branded, and under a few hard words against jesuits all popery is countenanced. Whoever squares his actions by any rule, either divine or human, he is a puritan. Whoever would be governed by the king's laws, he is a puritan. He that will not do whatever other men would have him do, he is a puritan. Their great work—their master-piece, now, is to make all those of the

religion (protestants) to be the suspected of the kingdom."*

The effect of these ill-judged proceedings, he continues to say, is division and weakness on every hand. Some, expecting the return of popery, are said to have been "in haste to turn themselves papists beforehand, hoping to render themselves more acceptable;" while multitudes, after suffering much, and fearing worse, have been forced to seek the preservation of their religion "by flying into other countries; very many into savage wildernesses."

* "The payment of civil obedience to the king," says Mrs. Hutchinson, "and the laws of the land, satisfied not; if any durst dispute impositions in the worship of God, he was presently reckoned among the seditious and disturbers of the public peace, and accordingly persecuted: if any were grieved at the dishonour of the kingdom, or the griping of the poor, or the unjust oppressions of the subject, by a thousand ways, invented to maintain the riots of the courtiers, he was a puritan: if any, out of mere morality and civil honesty, discountenanced the abominations of those days, he was a puritan, however he might conform to the superstitious worship: if any shewed favour to any godly honest persons, kept their company, relieved them in want, or protected them against violent or unjust oppression, he was a puritan: if any gentleman in his country maintained the good laws of the land, or stood up for any public interest, for good order or government, he was a puritan: in short, all that crossed the views of the needy courtiers, the proud encroaching priests, the thievish projectors, the lewd nobility and gentry; whoever was zealous for God's glory or worship, could not endure blasphemous oaths, ribbald conversation, profane scoffs, sabbath breach, derision of the word of God, and the like; whoever could endure a sermon, modest habit or conversation, or any thing good, all these were puritans; and if puritans, then enemies to the king and his government, seditious factious hypocrites, ambitious disturbers of the public peace, and finally the pest of the kingdom. Such false logic did the children of darkness use to argue with against the hated children of light, whom they branded beside as an illiterate, morose, melancholy, discontented crazed sort of men, not fit for human conversation; as such they made them not only the sport of the pulpit, which was become but a mere solemn sort of stage, but every stage, and every table, and every puppet play, belched forth profane scoffs upon them; the drunkards made them their song; all fiddlers and mimics learnt to abuse them, as finding it the most gameful way of fooling."—Memoirs, I. 122, 123. The truth and power of this passage would only be impaired by comment. The same writer remarks that "the protestants abroad were all looked upon as puritans." 131.

CHAP. XV.

1640. And of the nation.

In passing from the affairs of the church to those of the nation, the same speaker remarks :— "The king is reduced to great straits, wherein it were undutifulness beyond inhumanity to take advantage of him. Let us rather make it an advantage for him, to do him best service when he hath most need; not to seek our own good, else we shall commit the same crime ourselves which we must condemn in others. His majesty hath clearly and freely put himself into the hands of this parliament, and I presume there is not a man in this house but feels himself advanced in this high trust. But if he prosper no better in our hands than he hath done in theirs who have hitherto had the handling of his affairs, we shall for ever make ourselves unworthy of so gracious a confidence. They are men who talk largely of the king's service, yet have done none but their own, as is too evident. They speak highly of the king's power; but they have made it a miserable power, producing nothing but weakness, both to the king and kingdom. They have exhausted the king's revenue to the bottom; have spent vast sums of money wastefully, fruitlessly, dangerously; so that more money without other councils will be but a swift undoing. They have always peremptorily pursued one obstinate, pernicious course. First they bring things to an extremity, then they make that extremity the reason of their next action seven times worse than the former, and there we are at this instant."

The orator further censures these men, as having sought to abolish the use of parliaments, with

a view to screen themselves; as having insisted that no king should allow his servants to be removed by the influence of such assemblies; and as having taught that parliaments, even at best, were more skilled in devising expedients to abridge the royal power, than to supply the royal wants, urging, as a consequence of the gravest moment, that no appeal should be made to any such body in a season of difficulty. In conclusion he remarks: "I confess I have now gone in a way much against my nature, and somewhat against my custom. But the deplorable dismal condition, both of church and state, hath so far wrought upon my judgment, as it hath convinced my disposition. Yet am I not *vir sanguinum*. I love no man's ruin. I thank God I neither hate any man's person, nor envy any man's fortune, but I am zealous for a thorough reformation, in a time that exacts — that extorts it."* This speech, which, as we have intimated, is in perfect agreement with those of the country party in general, will enable the reader to judge, not only as to the questions which claimed the attention of the new parliament, but as to the temper with which they were entertained.

Speeches of the members begin to be printed and circulated.

The practice of printing and circulating the speeches of the members, was now for the first time resorted to, and its effect on the conduct of the two houses, and through the kingdom, was soon manifest. The multiplied abuses in church and state were exposed without reserve, and the complaints of the commons were embodied and

* Rushworth, IV. 24—26.

CHAP. XV. 1640.

re-echoed, in the form of petitions from their constituents. Such indeed was the feeling, with regard to the irregular proceedings of the government, that no man ventured to defend them, and most of them were no sooner introduced, than they were condemned as grievances.*

Restoration of silenced ministers.

Arrangements were immediately made to restore a large number of the clergy, who had been silenced, imprisoned, or deprived of their livings, on the ground or pretence of their nonconformity. Many of these were placed in their respective cures, and, in some instances, the parties who had so dealt with them were obliged to make a remuneration for the losses which their severity had occasioned.

This process of restitution has been described as arbitrary. But it is to be remembered, that the powers of the house of commons were far from being defined in that age as in the present; and that its proceedings in this case were not only sanctioned by many similar exercises of its authority, but were hardly liable to objection, when viewed as intended to counteract the more arbitrary conduct of the prelates. Laud and the king had made additions to those terms of conformity which the law had prescribed,—as in the matter of the book of sports,—and by such means had occasioned the expulsion of some hundreds of the puritan clergy from their livings. That book, according to Rudyard, was a "sieve,"

* Rushworth, IV. 19, *et seq.* "I have sent you some parliament speeches," says Principal Baillie to his friends in the north, "and two gazettes for foreign news."—I. 222. A volume of these speeches, "according to the most perfect originals," was published in June, 1641.

invented for the purpose of "winnowing" such men.

1640.

A committee was now formed to prevent the recurrence of these evils, and to proceed against scandalous ministers, a description applied, in the first instance, to those who had disgraced their profession by their vices, but extended, ere long, to those who had rendered themselves obnoxious, by their zeal as politicians or religionists. It is said, that the decisions of this committee were often cruel, as well as arbitrary. The history of its proceedings would probably supply cases of hardship; but it performed, upon the whole, an important service to religion, and to the cause of civil liberty. If any man were suspended simply for bowing at the name of Jesus, or toward the east, he was an injured man. But among the clergy, in this age, were many grossly vicious men. Some are said to have been specially "countenanced to affront the puritans;" and there were others whose superstitious fondness for pageantry, and lawless power, tended much more to scandalize than to edify the flocks committed to them.*

Committee for the punishment of scandalous clergymen.

Among this class particular mention is made of Peirce, bishop of Bath and Wells; Wren, bishop of Ely; and Cosins, dean of Peterborough. The reader has seen the zeal with which the first of these prelates conducted his warfare against lecturers, against afternoon preaching, and, above all,

Proceedings against the bishops Peirce and Wren, and Dr. Cosins.

* Nalson, I. 793. Rushworth, IV. 212. Some were merely reprimanded, others bound to conduct themselves with more propriety.—Journals, Dec. 19, March 20, June 1. May's Hist. 53, 55. See White's Century of Scandalous Ministers; and Neal, III. 21—32.

CHAP. XV. 1640.

against the tenets of calvinism. The kindred energy of the bishop of Ely was not less notorious. His severities in putting down lectures, silencing the puritan clergy, and fining their followers, who were chiefly manufacturers, had nearly driven the woollen trade from his diocese. The most important branch of English commerce was not only much impoverished by this means, but wholly endangered; the exiles having established themselves in great numbers, both in America and Holland. The charge of high crimes and misdemeanors was brought against these prelates by the commons, and they were bound in a heavy recognizance to appear when required. Their leading offence, like that of Dr. Cosins, consisted in attempts to force the clergy, and the people under their influence, into a compliance, not merely with the ritual which the law had established, but with many new and unauthorized customs that were regarded as superstitious and idolatrous.

Case of Cosins.

This is a charge which occurs frequently in the history of these times, and one which is generally treated very superciliously by our writers who would be considered philosophical. The facts which belong to the case of Cosins may assist the reader in judging whether these accusations should be regarded as the mere pretext of faction, or as referring to serious delinquency. In removing the communion table from the centre to the east end of the church, it pleased this divine to expend 200*l.* from monies intrusted to his keeping for public purposes. Several images, which had been defaced by the commissioners under Elizabeth, as unsuited

to a protestant sanctuary, were restored and decorated. In officiating at the sacrament the dean turned his back upon the auditory, according to the popish rubric; the knife employed on such occasions was never to be profaned to common uses; boys with tapers were in attendance, and many genuflections were added, which were altogether unknown to the English service. On candlemas-day this protestant clergyman testified his homage to our lady, by placing threescore lights on and about the altar, and more than three times that number in other parts of the church. Times there were also, when he could indulge in that abuse of the reformers which had become an almost indispensable accomplishment in a court divine, observing, that Luther and his followers had abolished the mass, but in this had rather defigured the church than reformed it. So intent was he that the people should bow to the altar, that certain ladies who declined this ceremony were seized by the divine in person, before the congregation, their clothes rent, and their ears assailed with epithets which not only denounced them as pagans, but as having added the worst vices of heathenism to its errors. We may add also, that, according to this ecclesiastic, the king possessed no more power over the church than "the boy who rubbed his horse's heels." Cosins was withal a cruel persecutor.*

* May's Hist. 55, 56. Brodie, III. 35, 36. A son of the bishop of Bath and Wells held the office of archdeacon, and was brought before the commons, charged with describing the last parliament as a puritanical faction, and with asserting that "the king would never be at quiet until he had taken off twenty or more of their heads."—Rushworth, IV. 134.

Mr.

CHAP. XV. 1640.

When it is said that men were deprived of their livings on account of conforming to the use of certain ceremonies, the punishment and the offence appear greatly disproportionate, and there is an end to be answered by this manner of putting such cases. But the reader will judge from the preceding account, whether the zeal of a churchman, in reference even to such matters, may not carry him so far as to warrant his expulsion. It will be seen too, in the case of Cosins, how many additions of a certain kind might be made to the established service, at the very time when the men who conscientiously withheld their obedience from any part of it were not to be tolerated.*

Impeachment of Strafford.

Parliament assembled on the third of November; on the ninth, Strafford, by order of the king, arrived in London. The day following, which the earl devoted to rest, was employed by the patriots in preparing for the struggle which his unexpected presence had compelled them to anticipate at an earlier stage of their proceedings than they would have chosen. But the man who had won so much on the favour of the sovereign, had also won the hatred of three kingdoms. On the following day, the doors of the lower house were closed, and the

Mr. Brodie adverts to the case of a Dr. Layfield, who appears to have been the equal of Cosins in superstition, and his superior in the art of scurrility. See Journals of the Commons, Nov. 25, 1640. On the report of a committee respecting Wren's case, he was adjudged incapable of holding any office in church or state, and committed to the Tower.—Rushworth, IV. 319, *et seq.*

* The sentence pronounced upon Cosins declared him incapable of holding any office in the church or the universities.—Rushworth, IV. 152. He was also required to make reparation to Smart, the prebendary of Durham, whose sufferings proceeded mainly from the zeal of this haughty churchman, but I do not find that this was insisted on. See Chap. XI. of the first volume.

keys committed to the speaker, until the question to be introduced should be decided. When those doors were re-opened, Pym, followed by a large portion of the members, proceeded to the bar of the lords, and "did, in the name of the commons of all England, accuse Thomas, earl of Strafford, lord-lieutenant of Ireland, of high treason, and required his person to be arrested, until probation might be heard." A contemporary, and a deeply-interested observer of these events, has supplied a graphic description of the scene which followed this bold movement. "The lords began to consult on that strange and unexpected motion. The word goes in haste to the lord-lieutenant, where he is with the king—with speed he comes to the house; he calls rudely at the door. James Maxwell, keeper of the black rod, opens. His lordship, with a proud gloomy countenance, makes towards his place, at the board-head. But at once many bid him void the house; so he is forced, in confusion, to go to the door until he is called. After consultation, being called in, he stands, but is commanded to kneel, and on his knees to hear his sentence. Being on his knees, he is delivered to the keeper of the black rod, to be prisoner until he should be cleared of the crimes the house of commons had charged him with. He offered to speak, but was commanded to be gone without a word. In the outer room, James Maxwell required him, as prisoner, to deliver his sword. When he had got it, he cries with a loud voice for his man, to carry my lord-lieutenant's sword. This done, he (Strafford) makes through a number of people

CHAP. XV. 1640.

toward his coach, all gazing, no man capping to him, before whom that morning the greatest of England would have stood uncovered, all crying, 'What's the matter?' He said, 'A small matter, I warrant you.' They replied, 'Yes, indeed, high-treason is a small matter.' Coming to the place where he expected his coach, it was not there; so he behoved to return that same way, through a world of gazing people. When at last he had found his coach, James Maxwell told him, 'Your lordship is my prisoner, and must go in my coach;' so he behoved to do."*

No second deed to be performed by the patriots would require the firmness which this measure demanded; and it is worthy of notice, in the above description, that the earl's reign of terror evidently closed with the moment of his arrest.

Of Laud.

With the fate of Strafford, that of Laud was intimately connected. The commons began the process, which was meant to terminate in the fall of the archbishop, by resuming the old subject of ecclesiastical encroachment on the authority of the

Dec. 15.

legislature. It was voted, that the two houses of convocation possessed no legal power to bind either clergy or laity without consent of parliament. Several things done in their recent meeting were declared to be contrary to law, and to be injurious alike to the crown and the people; and having attributed these, and many similar proceedings, to the influence of the primate, Hollis was deputed to accuse him of high treason, at the bar of the

* Baillie, I. 217, 218. Journals, 88, 89. Laud's Troubles, 85. Parl. Hist. II. 732, *et seq.*

upper house. The archbishop, who was present, instantly rose, affirmed that the commons did not themselves believe the charge, and, with his characteristic warmth, was about to enter on his defence. But the first ecclesiastic of the realm was called to order, as the first minister had been, and was committed to the custody of the black rod. The charge brought against him some weeks later, consisted of fourteen articles, and was followed by his removal to the Tower.* Dec. 18.

And Windebanke.

The storm which fell thus suddenly on the chief authors of the alleged disorders in the church and the commonwealth, would involve the fate of many subordinate instruments of authority. Windebanke, secretary of state, was the intimate friend of Laud. It is said, that in the execution of his office "he had signed several warrants for the protection of recusants, and others, for the discharge of priests from prison."† But, of these several warrants, no less than seventy came into the hands of parliament; and the priests liberated, by the letters of the secretary, or by his verbal order, within four years, were nearly a hundred. Instances of lenity in the case of lay recusants must have been a hundredfold. In this the offender had merely executed the instructions of his sovereign. But the matter exhibited a systematic suspension of the laws, for which the king did not choose, at this juncture, to appear responsible; and the delinquent minister consulted his safety by an immediate flight to the continent.‡ Dec. 4.

* May's Hist. 56. Parl. Hist. 680. Baillie, I. 250. Whitelocke, 39. Laud's Troubles, 75.

† Lingard, X. 108.

‡ May's Hist. 56, 57.

CHAP. XV.

1640.

Proceedings were also commenced against Finch, the lord keeper, whose zeal in the cause of ship-money had exposed him to the special resentment of the patriots. To soften their displeasure, he descended to the meanest flatteries and entreaties; but an escape to Holland saved him from the consequences of an impeachment. The due appearance of the other judges, who, in common with Finch, had lent their names in favour of the obnoxious tax, was immediately secured by binding them each in the sum of ten thousand pounds.*

Proceedings against Finch.

Dec. 23.

By a vote of the parliament, Bastwick, Prynne, and Burton, were set at liberty. These sufferers made their public entry into London, followed by many thousand persons on horseback, wearing bay and rosemary in their hats, in token of exultation and triumph. The lords of the commission court who had passed sentence on these objects of popular favour, were now judged, and required to pay to Burton, six thousand pounds, to Prynne and Bastwick, five thousand each. If there were men who censured these proceedings as an insult cast upon the civil authorities, there were more who applauded them as the triumph of justice over

Release of Prynne, Bastwick, and Burton.

Nov. 28.

* May's Hist. 57, 58. The charges produced against Finch were, 1st, Disobeying the house, in refusing to speak at their command when he was speaker in parliament, in the fourth year of the king. 2d, For threatening the judges in the matter of ship-money. 3d, For his illegal and cruel judgments in the forest business, when he was lord chief justice of the common pleas. 4th, For drawing that injurious declaration after the dissolution of the last parliament. These charges are differently put in Rushworth, IV. 123—130. Rushworth observes, "It was a sad sight to see a person of his greatness, parts, and favour, in such a posture before such an assembly." But surely it was much more sad to see that the liberties of a great people were no better secured than to be almost annihilated by the help of so mean a creature. On the above particulars he was voted a traitor.

oppression. It began now to be rumoured that the end of the high commission court, and of its kindred tribunal, the star-chamber, could not be far distant. It is plain that the parliament could not have adopted a more emphatic method of testifying its dissatisfaction with those institutions, the one of which partook too nearly of the character of an inquisition, while the other, by operating in the same manner as an instrument of terror, performed much of that evil office which has generally devolved on a standing army.*

But the men thus occupied with the affairs of religion, were not less active in relation to the general interests of the kingdom. Regulations were adopted which proscribed monopolies, fixed the boundaries of the royal forests, abridged the evils of purveyance, abolished the feudal custom of compulsory knighthood, and put an end to the practice of impressing men to serve as soldiers in foreign countries, or in Ireland. In an act, granting the customs, called tonnage and poundage, it is declared that it is, and that it has long been, the right of the subjects of this realm, that no charge should be laid on merchandise, imported or exported, belonging to natives or aliens, without consent of parliament. In another bill, ship-money was declared to be illegal; and the sentence against Hampden in the star-chamber was reversed.†

But, however wise and spirited these arrange-

* May's Hist. 53—55. Baillie, I. 218, 222, 227. The lowest number of carriages mentioned, as forming part of the procession, is a hundred. These must all have been private carriages, licenced coaches being as yet unknown.

† Rushworth, IV. 19—146, *et seq.*

CHAP. XV.

1641. Bill for triennial parliaments.

ments may have been, what permanent value could be attached to them, if parliament, whose vigilance alone could secure their being acted upon, were to depend for existence on the king's will? To provide against this evil, from which the unhappiness of the times was believed to have chiefly proceeded, employed the thoughtfulness and energy of the popular members in both houses. It was well known that Charles had learnt to abominate the name of parliaments, and that it had long been his concern to put a council of state in the place of all such assemblies. On this fact his ministers had founded their hope of impunity, and this had rendered them bold in transgression. But a bill

Jan. 19. was now passed, which required that a new parliament should be convened every third year; and which also provided that, in case the proper authorities should neglect to summon such an assembly at the appointed time, the people, as the last resort, should be authorized to assemble unbidden, and choose their representatives. The persons so elected, it was declared, should be considered as regularly chosen. The suspicions implied in this measure must have been ungrateful to the king and to all men of unreflecting loyalty. But it may be safely asserted, that if the popular leaders meant to secure a periodical representation of the people, it would have been a weakness to have demanded less. Judging, indeed, from the past, there was perhaps nearly as much to fear as to hope, even after this precaution. That the king should have

Feb. 15. given his consent to this bill with some reluctance, was not surprising. The people, on learning that

it had become a law, kindled bonfires and indulged in every demonstration of joy.*

1641. Courts of star-chamber and high commission abolished.

The engines which had operated with most effect in favour of those arbitrary exercises of authority, that had so far alarmed and afflicted the nation, were the courts of star-chamber and high commission. There was little in the civil or the spiritual relations of the community that might not be brought within the cognizance of these irregular tribunals; and in the absence of a parliament their authority had too often proved to be irresistible. But the time had now arrived in which these bulwarks of civil and ecclesiastical tyranny were to be assailed; and, after a struggle, which was as painful on the one side as it was determined on the other, they fell completely and for ever.† March 10.

* Rushworth, IV. 146—148. Lord Digby, who introduced this measure, observed, "Wicked ministers have been the proximate causes of our miseries; but want of parliaments the primary, the efficient cause. No state can wisely be confident of any public minister's continuing good longer than the rod is over him. Let me appeal to all those who were present in this house at the agitation of the Petition of Right, and let them tell of whose promotion to the management of public affairs do they think the generality would at that time have had better hopes than of Mr. Noy and sir Thomas Wentworth, both having been at that time and in that business, as I have heard, most keen and active patriots, and the latter of them (to the eternal aggravation of his infamous treachery to the commonwealth, be it spoken) the first mover and insister to have this clause added to the Petition of Right—that for the comfort and safety of his subjects, his majesty should be pleased to declare his will and pleasure that all his ministers should serve him according to the laws and statutes of the realm. And yet, Mr. Speaker, to whom now can all the inundations upon our liberties, under pretence of law, and the late shipwreck of all our property at once, be more attributed than to Noy? And can those and all other mischiefs, whereby this monarchy hath been brought almost to the brink of destruction, be attributed so much to any as to that grand apostate from the commonwealth, the now lieutenant of Ireland? The first I hope God hath forgiven in the other world, and the latter must not hope to be pardoned in this until he be dispatched to the other."

† Rushworth, IV. 304. Nalson, I. 783, 784. II. 258, 271, 324, 327, 368, 389.

CHAP. XV.

1641. Attack on the heirarchy.

The remaining ecclesiastical transactions of the interval preceding the king's journey to Scotland, relate to the efforts of the party who began to alarm the prelates by calling for the abolition of their order. The boldness which marked these proceedings is to be ascribed in a considerable degree to the influence of the Scottish commissioners, who had been deputed to negotiate in behalf of the kirk and state north of the Tweed. In England, indeed, as events now discovered, there was a large body both among the clergy and laity who were desirous of seeing the office of the prelates abolished, or at least of seeing their authority and wealth materially lessened. But the zeal of this party, scattered as they were through all the towns and cities of the kingdom, especially through the metropolis, was powerfully affected by the military force, and the less cautious eloquence, of their northern neighbours.* Unhappily, the civil power, which had employed its strength to put down the kirk of the Scots and to impose on that people the abominations of prelacy, was the power chiefly invoked to expel those abominations from both kingdoms, and to enforce the observance of a

* The ministers appointed as commissioners, in behalf of the kirk of Scotland, were Henderson, Blair, Gillespie and Baillie. Within a fortnight after the meeting of parliament, Baillie wrote as follows, "On Thursday, (Tuesday) last was here a fast. Mr. Blair and I preached to our commissioners at home, for we had no clothes for going out. Many ministers used greater freedom than ever here was heard of. Episcopacy itself beginning to be cried down, and a covenant cried up, and the liturgy to be scorned. The town of London, and a world of men, mind to present a petition, which I have seen, for the abolition of bishops, deans, and all their appurtenances. It is thought good to delay it until the parliament have pulled down Canterbury, and some prime bishops. Huge things are in working. All here are weary of bishops."—Baillie's Letters, I. 215, 218.

purer discipline. Force was still in a great degree to have the place of persuasion. Religion was still to be a state apparatus. Its professors, as heretofore, were all to be, with very small exceptions, of one faith and one order. Thus the new system was to include the elements of discord and oppression, that had degraded and nearly ruined the old. The chief difference between these rival parties was, that while the prelates had become intolerant almost without a cause, the presbyterians had become so, in a great degree, from the remembrance of multiplied and protracted wrongs. It should be added, too, that the ascendancy which the one had sought by cringing in the secret places of a court, and lending themselves to the cause of despotism, the other had claimed in the open day, and as the award of a constitutional legislature. CHAP. XV. 1641.

One petition, praying for the total abolition of episcopacy, received the signatures of nearly two thousand English clergymen. From many counties petitions were presented on this subject, signed by thousands of the inhabitants — some calling for the extinction of prelacy, others, and perhaps the greater number, merely imploring the removal of its abuses. Many who prayed thus, and in the strongest language, were equally fervent in urging that the office itself might be spared. In the parliament, Selden, Digby, Faulkland, and Rudyard, distinguished themselves in the cause of the bishops as an order. In the commons, and in the capital, the presbyterians, or the men whose reformed episcopacy would have approached to nearly the same system, predominated. But happily for the Jan. 23. Feb. 9.

CHAP. XV. 1641.

rights of conscience, there was yet another party in the kingdom, and one which had its advocates in parliament. Among these were the lords Say, Brook, and Wharton, with some leading men in the lower house, who were equally opposed to presbyterianism and prelacy, strongly recommending the more equal system of the independents, as alone favourable to that mutual forbearance on religious subjects, which reason and circumstances so imperiously demanded.*

After a debate of two days, the petitions on this important matter were referred to a committee, by

* Baillie informs us that Blair was appointed one of the commissioners, "to satisfy the minds of many in England who love the way of New England (the independent or congregational) better than that of presbyteries." Letters, I. 215. This New England way was not unknown in Scotland, and some violent measures were proposed for the suppression of it, but a more moderate party had hitherto prevailed.—I. 196—202. "There was some few (in England) who are for the independent congregations; but, thanks be to God, we hope they will join to the overthrow of episcopacy, erect presbytery government and assemblies, and in any difference they have, be silent, upon hope either of satisfaction when we get more leisure, or of toleration on their good and peaceable behaviour."—231. Some months later (March 15) he thus writes: "All the English ministers of Holland, who are for the New England way, are now here: how strong their party will be here is diversely reported; they are all in good terms with us. Our only considerable difference will be about the jurisdictions of synods and presbyteries. As for Brownists, and separatists of many kinds here, they mislike them well near as much as we: of these there is no considerable party. About private meetings, we know here no difference we have with any. Our questions with them of the new way we hope to get determined to our mutual satisfaction, if we were rid of bishops; and till then we have agreed to speak nothing of any thing wherein we differ. Mr. Goodwin, Mr. Hooker, Mr. Burroughs, Mr. Simson, have all written very gracious treatises of sanctification, which I mind to bring with me. All of them are learned, discreet, and zealous men, well seen in cases of conscience. It were all the pities in the world that they and we should differ in any thing, especially in that one which, although very small in speculation, yet in practice of very huge consequence, for making every congregation an absolute and independent church, over which presbyteries and general assemblies have no power of censure, but only of charitable admonition; my wit sees not how incontinent a national church should not fall into unspeakable confusion, as I am confident the goodness of God will never permit so gracious men to be the occasions of, much less the authors."—253, 254.

a majority of thirty-two. The king, however, stated, and in the most solemn terms, that he regarded episcopacy as essential to Christianity, and that his conscience would never allow him to be a party to its destruction. But the zeal of the commissioners was not to be checked by this avowal: they applied themselves with new energy to reason the case, and to implore the divine interposition on behalf of their labours.

This was the state of things three months after the meeting of parliament. About three months later, a bill was sent to the lords, which went to exclude all ecclesiastics from the privy council, or from holding the office of magistrates. The discussion which followed, called forth the strength of the several parties, but the bill was rejected, on its third reading, by a considerable majority. The subject was resumed without delay in the commons, who, instead of lowering their demands, proposed that the prelates should be excluded from their seats in the upper house. Hyde, afterwards lord Clarendon, was chairman of the committee to which this question was transferred, and congratulated himself on his being able in that capacity to perplex and protract the discussion, so as to prevent any further measure with regard to it, until the eve of the civil war.*

March 10.

* Baillie, I. 225—250. The petition from London for the "removing of episcopacy, the service book," &c. was signed by 15,000 persons. It was presented by two aldermen, "followed by a world of citizens in their best apparel. It was well received."—225. "The bishops will go through Westminster-hall, they say, and no man cap to them. God is making here a new world."—228. "A number of pamphlets come out daily about episcopacy, some to hold them up, some to bring them down."—235. "A day of fasting in private, over all the city, and many more places, is appointed

CHAP. XV.

1640. Review of these proceedings.

The propriety of the measures which had thus far occupied the attention of parliament, was a matter on which the nation scarcely partook of a divided feeling. And the enemies of the patriots in later times, when venturing to complain of these proceedings, have generally been induced to speak of them in language partaking more of praise than censure. The liberation of Prynne and his fellow-sufferers, was an act of pure justice. The punishment already inflicted had greatly exceeded the offence, supposing that to have been quite as serious as represented by their prosecutors. In this transaction the popular leaders acted on the principle, that the sentence of any court in the realm was liable to be reversed by the authority of the high court of parliament; and it scarcely need be added, that if exceptions to this rule had been in any case admitted, decisions in the court of the star-chamber would have been the last to be so acknowledged. With respect to Finch, it is stated by Clarendon, that if an attempt to subvert the fundamental laws of the kingdom be treason, that unscrupulous sycophant was certainly chargeable with having thus offended. The process commenced

to consider the hard question of episcopacy."—236. "There is a contrary petition drawn up for episcopacy. Hands in the city were getting to it, as they say, chiefly by Pembroke the chancellor's means—but it is thought they have let it fall in despair of success."—239. "We pray, preach, and print against them (the bishops), what we are able most freely. Many a sore thrust get both men and women, thronging in to our sermons."—242. "There is a world of pamphlets here. . . . How this matter will go, the Lord knows; all are for erecting a kind of presbytery, and for bringing down the bishops in all things, spiritual and temporal, so low as can be with any subsistence. But their utter abolition, which is the only aim of the most godly, is the knot of the question; we must have it cut by the axe of prayer."—245.

against Windebanke, though in behalf of intolerant laws, was strictly constitutional. His head was legally forfeited, and that he retained it must be attributed, in some degree, to the prudence, and still more to the clemency, of his opponents. CHAP. XV. 1640.

The charge of treason, as preferred against Laud, may seem to have been but imperfectly sustained in the articles supplied against him. But it must be remembered that the man who conspires to defraud the subject of his chartered rights, which it is certain was the case here, must be understood to do so, not merely without the concurrence, but against the command of the king. This follows from the well-known maxim—the king can do no wrong. It was on this ground that the most passive instruments of royalty were so often denounced as traitors. Nor has the wisdom of our own times been sufficient to devise any better expedient by which to divert the resentment of the injured from the person of the sovereign. If a wrong of the kind adverted to be done, it must be by the king, or by the ministers of the king; and the party which the law makes responsible, is the party on which it must inflict its punishments in case of delinquency. On this principle of ministerial responsibility, all parliamentary impeachments had proceeded, and it was a principle distinctly recognized in the recent cases of Bacon, Middlesex, and Buckingham. It is this which imparts consistency to many things in the course of this struggle, which, in the eyes of the superficial, have the appearance of contradiction and injustice. This maxim of our

CHAP. XV. 1610.

constitution, though a part of its very alphabet, has been little regarded by the traducers of the long parliament.*

As to the proposed modification or abolition of episcopacy, the subject possessed a right to petition on that matter as upon others, the authority of parliament, which had established that form of polity, being competent to put an end to its establishment. We have seen that the commons under Elizabeth, and some of the wisest counsellors of that princess, had been forward in asserting this strict dependence of the church on the state.

But the act of this parliament which has been most censured, and censured as a flagrant innovation, was that which prohibited the clergy from publishing canons to bind either clergy or laity without its consent. It must be admitted here, that the acts of supremacy and uniformity, which restored the protestant laws of Edward the sixth, empowered the sovereign to adopt, by the assistance of ecclesiastical commissioners, or of the houses of convocation, such regulations with regard to divine worship, and religious offences, as should be deemed expedient. But the writers referred to appear to forget that these regulations were restricted to such as should be agreeable to the law of

* It would seem, however, that this important principle was far better understood by the patriots at this time than by the country generally. Even Mrs. Hutchinson appears to have comprehended it but imperfectly. "The parliament shewed such a wonderful respect to the king, that they never mentioned him, as he was, the sole author of all those miscarriages, but imputed them to evil counsellors, and gave him all the submissive language that could have been used to a good prince, fixing all the guilt upon his evil counsellors and ministers of state, which flattery I fear they have to answer for. I am sure they have thereby exposed themselves to much scandal."—Memoirs, 1. 142.

the land, and to canonical scripture. The authority of an ultimate judge, as to what things in such cases were lawful, and what were scriptural, was always claimed by the parliament. The crown, indeed, soon affected an independence of this control; but the parliament as constantly asserted it. Hence it not only checked all encroachment of the spiritual courts upon the secular, but insisted often that the only legal terms of conformity were those which the acts of the national legislature had laid down, and that no decree of a clerical assembly should be allowed, by any means whatsoever, to impeach or hurt the temporal state of clergymen or laymen. What the parliament did, therefore, in this respect, in 1640, so far from being strictly a novelty, is no more than it had claimed a right to do from the age in which the protestant hierarchy was established, and what the crown had been long obliged to employ both artifice and violence to prevent. Such, indeed, was the dependence of the houses of convocation on the parliament, that they could not even vote a subsidy, so as to be legally enforced, without a sanction from that body.*

* The only novelty maintained by the reformers at this time was, that no ecclesiastical canons should be in force, even with regard to the clergy, without an approval from the legislature. The power of this sort which the statutes of supremacy and uniformity had connected with the crown, was so far restricted as to render the legislative authority said to be conceded by them to the court of high commission and the houses of convocation, rather nominal than real. Thus the things with which these authorities were to be concerned, were such only as "can or may *lawfully* be reformed, ordered, redressed, corrected, restrained, or amended," and their manner of proceeding was limited to such means only as "may be *lawfully* exercised and used."—1 Eliz. c. 1, 2. But as it had been found impossible to keep the sovereign or the clergy within these constitutional limits, it was now re-

CHAP. XV. 1640.

We must observe also, that the circumstances under which the canons referred to were adopted, and the strange doctrine which they contained, are not sufficiently noticed by the persons who have so strongly condemned this proceeding of the patriots. It was when parliament had been dissolved, and when the convocation, according to all law, and, with a single exception, to all precedent, was dissolved, that these regulations were agreed to, and preparations were made to enforce them. It was at a time, likewise, when a policy equally feeble and lawless, had rendered the doctrines of implicit faith, and passive obedience, much more questionable than they had ever been in this country, that a moment was chosen to publish canons which made a severer intolerance and a more naked despotism than had been hitherto attempted, to be essential to Christianity, and parts of the established piety of the realm. Not only the clergy, but every physician, lawyer, and even schoolmaster, was required to swear his approval of the doctrine and discipline of the church of England, and to bind himself by the solemnity of an oath, *never* to seek a change of its government, by archbishops, bishops, archdeacons, &c., either *directly* or *indirectly*. The divine right of kings was taught in the most absolute terms, and the man who should resist their authority, upon any pretence whatsoever, was given over, as far as the sentence of excommunication could effect it, to destruction.

solved to do for the church as had been done for the state—to abolish all semblance of a legislative power apart from the high court of parliament. See Vol. I. 479, and the references there given.

Surely it was time that something should be done to protect the common sense of the community from the insults of a power like this! Had innovation been necessary to this end, the panic which that word has so often the power to create, should hardly have deterred the patriots from the course which they pursued.

But we must repeat, that in what the king had thus far assented to in relation both to the church and the state, he had rather corrected innovation than sanctioned it. He had agreed to the law of triennial parliaments, but our statute-book contained more than one enactment, old as the time of the Plantagenets, which required that a parliament should be convened every year. With respect to the star-chamber, it was not pretended that its origin could be traced beyond the reign of Henry the seventh, and the court of high commission was known to be a comparative novelty peculiar to the times of Elizabeth and James. It was at the same time scarcely questionable, that both had become greatly altered from what the statutes relating to them had required them to be. With regard to the levying of ship-money, and imposing the customs at the ports without consent of parliament, these practices were not spoken of as legal, even by the court, but were always vindicated on the plea of necessity.

Great, therefore, as the change produced really was, we should err seriously as to the history of the English constitution, were we to regard it, except in a few minor points, as an introduction of novelties. What was new consisted almost entirely of

CHAP. XV. 1640.

securities to ancient law, adding little to the true and ascertained liberties of Englishmen; — their great object being, to render those liberties as certain in practice, as they were in theory.

It has been justly remarked, that to no body of men are we more indebted as a nation than to the patriots of 1640. What has been since done in the cause of our political privileges, is scarcely important when compared with what was then accomplished. The man who shall compare the reign of Charles the second, and that of his successor, corrupt as they were, with those of the first Charles and the first James, will be constantly reminded of the wisdom of those precautions that were now taken, for the purpose of securing those high immunities to the subject which the laws had long since declared to be his birthright. Hence a distinguished writer, who, in describing the changes produced at this time, has spared no effort to degrade the imperfect but noble-minded men who wrought them, is at length constrained to admit that their conduct, with one exception only, was such "as to entitle them to praise from all lovers of liberty."*

The exception referred to was the case of Strafford. Before the king's departure to visit Scotland the fate of that nobleman was decided; its importance has led me to reserve the consideration of it to a separate chapter.

* Hume, VI. chap. li.

CHAP. XVI.

THE EARL OF STRAFFORD.

STRAFFORD'S EARLY HISTORY — CHARACTER OF HIS PATRIOTISM — HIS APOSTACY — AND ADVANCEMENT — VICEROY OF IRELAND — ADVOCATES SHIP-MONEY. — HIS DESPOTIC SCHEMES WITH REGARD TO ENGLAND. — CHARLES CALLS HIM TO JOIN THE ROYAL STANDARD IN THE NORTH — TO ATTEND IN PARLIAMENT, AND PROMISES HIS SAFETY. — HIS IMPEACHMENT — TRIAL. — OPINION OF THE JUDGES. — DIFFERENT VIEWS OF THE PROCEEDINGS AGAINST HIM. — HIS DEATH.

The commons, we have seen, bestowed their first attention on the affairs of religion, an order of proceeding which was thought to promise best as to the result of their deliberations. But there was one obnoxious person, who, though possessing no ecclesiastical office, was in the thoughts of the patriots from the beginning; one who had contributed more than any other to the evil counsels of the sovereign; and who had done more toward sustaining the policy which he had dared to advocate. This was sir Thomas Wentworth, who is better known as earl of Strafford, though this title was not obtained until the year before his death.

Strafford's early history.

His course, previous to the accession of the present monarch, was rather cautious than decisive; but a slight which he received about that time from Buckingham, threw him more completely

CHAP. XVI. 1626.

into the ranks of the country party. In 1626, he was so little acceptable at court, as to be among those who were nominated by the crown to serve the office of sheriff—a measure which was meant to render him ineligible to a place in the parliament of the ensuing year. In the year following, he so far signalized himself, in opposition to the loan which was then exacted in the king's name, as to be committed to prison. Before the death of James, and while his own conduct toward the court continued to be marked by a very suspicious kind of prudence, Wentworth had ventured to express his deep regret respecting the abrupt dissolution which threatened the parliament. He also prevailed with the lower house to adopt a protest, which claimed the privileges of parliament as a right and inheritance, in opposition to the language of the throne, which had declared them to be a matter of pure sufferance.*

1628. But it was as the advocate of the Petition of Right that Wentworth chiefly distinguished himself, while numbered with the patriots. In the course of the debate on that subject, he called upon the commons to declare, "that grievances and supply should go hand in hand; and the latter in no case precede the former."† In attempting to evade this memorable petition, the court assured the commons that the king would pledge himself to a strict observance of the statutes on which it was acknowledged to be founded. But Wentworth replied, "there hath been a public violation of the laws by

* Strafford Papers, 1. 15, 19, 20, 35, 36.

† Rushworth, 1. 538.

his majesty's ministers, and nothing shall satisfy me but a public amends. Our desire to vindicate the subject's rights, exceeds not what is laid down in former laws, with some modest provision for instruction and performance." When it was proposed to the lords to add to the bill an insidious clause, declaring that it would leave the sovereign power untouched, it was the same man who exclaimed,* "if we do admit of this addition, we shall leave the subject in a worse state than we found him. Let us leave all power to his majesty to bring malefactors to legal punishment, but our laws are not acquainted with *sovereign power*. We desire no new thing, nor do we offer to trench on his majesty's prerogative, but we may not recede from this petition, either in whole or in part."† No man did more towards securing the important recognition of English liberty, contained in this petition, than sir Thomas Wentworth.

Character of his patriotism.

But unhappily, it is beyond doubt, that amid all these flashes of public spirit, the faintest intimation of favour from the quarter whence wealth and titles were obtained, was enough at any moment to expel all the patriot feeling possessed by this bold advocate of law and freedom. It agrees but indifferently with that lofty pride which is usually attributed to Strafford, that he should have allowed himself to be so meanly treated, and so easily won, and that, in more than a single instance, by such a mere child of fortune as Buckingham.‡ The

* Rushworth, I. 554. † Ibid. I. 563.

‡ Strafford Papers, 1. 24—35. Buckingham had procured Wentworth's nomination as sheriff, with several others whom it was considered proper to

CHAP. XVI. 1629.

truth is, the pride of this proud man was a feeble passion when compared with his vanity. Hence, when the prospect of sharing in the honours and opulence of a court was set before him, the lure was so far attractive, that though it required him to unsay every good thing he had ever said, and to undo every good deed he had ever done, he was unable, even on these conditions, to resist it. The Petition of Right had just passed when these flattering overtures were made, and this edifying transformation instantly followed.

His apostacy,

and advancement.

Among the immediate rewards bestowed on this "grand apostate from the cause of the people," was the honour of a peerage; the acknowledgment of a claim which he preferred to royal blood through Margaret, grandmother of Henry the seventh; and the office of president of the council of York, which, with its enlarged jurisdiction as placed in his hand, made him a delegated sovereign, and a sovereign without the checks of the

exclude by that expedient from the parliament of 1626. When the favourite thought it necessary to disarm the resentment of Wentworth, he professed to have been ignorant of what was done; and this statement, though known to be false, was received as true, and a sort of reconciliation followed. But it was a treacherous affair, and was followed by Wentworth's sudden removal from the office of sheriff, and the poor but honourable place of Custos Rotulorum. He felt this much, but was far from abandoning his search after court favour. Through the influence of Weston, he now made a most humble and earnest effort to obtain the good opinion of Charles. "My only and humble suit is, that his majesty would princely deign that my insufficiency or fault may be shewn me; to this only end, that if insufficiency, I may know where and how to improve myself, and be better enabled to present hereafter more ripe and pleasing fruits of my labours in his service," &c. &c. This was a few months only before the name of Wentworth became so prominent among those of the patriots. His letters never cease to betray a degree of sensitiveness to public opinion, which would hardly be expected in a man whose life was spent in exacting the homage of fear rather than of affection.

common law, with regard to no mean portion of the kingdom. All men looked with astonishment on these events, and not a few with feelings which augured ill as to the peace of the new courtier. No space had intervened between what he had been and what he had become, to leave room for the most abundant charity to suggest the possible sincerity of the change. His pretensions to a royal lineage exposed him to derision: his reconciliation with Buckingham, after the treatment he had received from that minion, and after proclaiming him a traitor, was adverted to as betraying a strange meanness of temper; while his profession of principles so opposite to those of which he had lately been a most strenuous advocate, was dwelt upon as shewing a contempt even as to the appearances of honesty. Those who were at all suspicious about the correctness of this unfavourable judgment, were reminded of the nature of that court of which this same Wentworth had become the president;—a tribunal as little subject to the rules of law as the star-chamber, at the same time extending its jurisdiction over a large division of the kingdom; and a tribunal, moreover, the powers of which had been enlarged on the election of its new president, that no space might be wanting to trample on that law and liberty so lately the object of his pre-eminent attachment.*

* Strafford Papers, 1. 49. His partial, but, upon the whole, candid biographer, remarks, on this crisis in his history, "His new honours had not yet been worn, when the Petition of Right was already violated; the very office which he accepted, and, still more, the new powers with which he was intrusted, could not be exercised without its further violation; and

CHAP. XVI.

1640. Viceroy of Ireland. 1629—1632.

Wentworth had ruled the north of England about four years, through the medium of this court, when called to act as the viceroy of Ireland. The system of terror which had been frequently resorted to in this kingdom, and with some appearance of success, he extended to the sister island. There, indeed, his sway was even less impeded than at York. It is evident that the object of Wentworth's entire policy, from the time of quitting his connexion with the patriots, was to dispense with the laws wherever they were found to be a restraint on the pleasure of the sovereign. When writing to the king about his schemes with respect to Ireland, he remarks, "but in all these things the benefit of the crown must, and shall, be my principal, nay, my sole object." The plan and firmness with which this object was pursued in that kingdom was such, that in little more than twelve months he could declare, exultingly, "the king is as absolute here as any prince in the world can be." Parliaments, indeed, were allowed to assemble, but they were always rendered subservient to

we shall have too often to recount his active invasion of those very rights which the petition was formed to secure. Mr. Hume, while he strives to leave on the mind of his readers the most favourable impression of this statesman, obviates suspicion in this instance by a frank acknowledgment of the truth. 'His fidelity to the king,' says this historian, 'was unshaken; but as he now employed all his counsels to support the prerogative, which he had formerly bent all his powers to diminish, his virtue seems not to be entirely pure, but to have been susceptible of strong impressions from private interest and ambition.'"—Macdiarmid's Lives of British Statesmen, II. 112, 113. Charles doubtless attached a high value to the services of Strafford; but there is room to suspect that he had but an indifferent opinion of his principles, and that his confidence in him was always grounded mainly on the fact of his having gone too far in the cause of prerogative ever to recede. See some instances of mortification to which he was exposed by the conduct of Charles and the court.—Strafford Papers, I. 128, 138, 142—144. II. 42, 83, 103, 111, 127, 133, 201, 265, 284.

1640.

the will of the deputy. The same was done with the convocations. In short, Europe hardly contained a picture of despotic rule more finished in all its parts, than was that presented in the state of Ireland during the reign of Wentworth.* Still its state became prosperous, compared with what it had been under the more lenient, but less able, policy of his predecessors. On returning to this country, after an absence of three years, his account of proceedings in Ireland secured him much applause from the court, but the men who had laboured with him to establish the supremacy of the laws greeted him in another language.†

1636.

Advocates ship-money.

This visit led to his interference with the question of ship-money. As president of the council of York, he enforced that tax with his usual skill and promptitude, and assured the king there would be little difficulty in obtaining it in future from the northern counties.‡ Charles was so far elated with the partial success of this scheme, that he began to meditate a war with Spain. Before committing himself on that subject, it was deemed proper to obtain the opinion of Wentworth. The answer of the deputy was an urgent dissuasive from the enterprise; but one founded on the consideration that a war must involve expense, that expense must make it necessary to convene a parliament, and that the necessity of convening a parliament must be the destruction of those plans by which it was hoped to render his majesty the most considerable monarch in Christendom, and "*for ever*

1637.

His despotic schemes with regard to England.

* Strafford Papers, I. 343, 344, *et alibi.*

† Ibid. II. 13—22. ‡ Ibid. II. 26.

CHAP. XVI. 1640.

to vindicate royalty at home, from the conditions and restraints of subjects." His advice, therefore, was to avoid every measure that might induce a dependence on parliaments. It was also urged, that ship-money should be made as light a tax as possible, until it should work itself into a precedent. It was then to become the ground-work of other measures, of which it was thought to be better to meditate than speak, until the season for adopting them should arrive.*

But it is in his correspondence with Laud, that we find the lord deputy expressing his sentiments and purposes most freely, as to affairs in England. This correspondence belongs to the interval between 1629 and 1640, and contains references to the severities of the courts of high commission and star-chamber, to the corrupt judgments extorted from the crown lawyers, and to those arbitrary proceedings in general, by which that interval was characterized. But in the esteem of Laud and Wentworth, little had been done by the king, the clergy, or the judges, toward the enlargement of the authority of the crown, compared with what should have been done. In these letters, as the reader has seen, the word "thorough" occurs as a term used to express that system of thorough despotism, which these correspondents would have seen extended to every part of the British dominions.† How the opponents of this

* Strafford Papers, II. 60—64.

† "So long as I do serve, I will *thorough*, by the grace of God, follow after what shall please him to send."—Letter to Laud, Papers, II. 250. To the same prelate he thus writes, as to the best method of meeting the spirit of

scheme were to be dealt with, may be inferred from the following reference to one of their number. "Mr. Hampden," says Wentworth, "is a great brother (a puritan), and the very genius of that people leads them always to oppose, as well civilly as ecclesiastically, all that authority ordains for them; but in good faith, were they right served, they should be whipped home into their right wits, and much beholden they should be to any man that should thoroughly take pains with them in that kind. In truth I still wish Mr. Hampden, and others to his likeness, were well whipped into their right senses, and if that the rod be so used that it smarts not, I am the more sorry."* Thus did these plotters stimulate each other. "I know no reason," says the same writer, "but you may as well rule the common lawyers in England, as I, poor beagle, do here; and yet that I do, and will do, in all that concerns my master, at the peril of my head. I am confident that the king, being pleased to set himself in the business, is able, by his wisdom and ministers, to carry any just and honourable action, through all imaginary opposition, for real there can be none; that, to start aside for such panic fears as a Prynne or an Eliot shall set up, were the meanest folly in the whole world; that the debts of the crown being taken off, you may govern as you please; and most resolute I am that the work may be done, without borrowing forth any help of the

the times: "It is a grievous and overspreading leprosy. Less than *thorough* will not overcome it. There is a cancerous malignity in it, which must be cut forth, which long since hath rejected all other means."—Ibid. II. 136.

* Strafford Papers, II. 138, 158.

CHAP. XVI. 1640.

king's lodgings."* It would be easy to add considerably to these extracts, but these passages will show, that in the case of Laud and his correspondent, nothing less than the overthrow of the constitution was contemplated, or a suppression of law whenever opposed to "a sovereign power."

Called to join the royal standard in the north.

It was while prosecuting his plans in Ireland, that Wentworth was summoned to aid the councils of his sovereign, in providing against the evils threatened by the Scottish invasion. The recent movements in Scotland had not escaped his observation, and his authority was employed with his usual ardour, to prevent the spreading of so infectious an example.† His advice, with regard to the insurgents, partook equally of caution and hostility, and was coupled with offers of men and money. On reaching England, he urged that the pacification of Berwick should be immediately abandoned. It was at this moment that he obtained, what he had descended more than once to solicit, and had solicited in vain—the title of earl of Strafford.‡ By his influence, or rather, by his authority, a large supply was obtained from the Irish parliament, in aid of the proposed war.§

Party formed against him at court.

But the earl had scarcely entered upon his new office, as commander of the forces, when it became evident that the soldiers raised for the king were indisposed to the service. Nor was it less certain, that to the enemies which Strafford had brought

* Strafford Papers, I. 173. † Ibid. II. 372. May's Hist. 53, 54.
‡ Nalson, I. 280. Rushworth, III. 1050. Strafford Papers, II. 390.
§ Nalson, I. 283, 399, 403.

upon himself from the three kingdoms, there were others to be added, scarcely less formidable, in the very court which he had so laboured to propitiate. The queen appears to have been at the head of this party, which included the marquis of Hamilton, lord Holland, sir Henry Vane, and the earls of Essex and Arundel. After several mortifying instances of exclusion from the most important deliberations of the council, the general received a letter from the king, which required him to forbear offensive operations, and he found himself obliged to remain in a state of inaction and foreboding, until the meeting of the long parliament.*

Error in his judgment with regard to the power of the English government.

The success of Strafford's determined policy, in the north of England, and especially in Ireland, had evidently formed the data of his reasoning for some years past, with respect to the general affairs of this country. The terror which his severities had inspired, had not allowed him to ascertain, until too late, that even in those parts where his authority had been exercised, his success was rather apparent than real. And however it may have arisen, it is plain, from his correspondence, that he had never sufficiently attended to the

* Clarendon, I. 265—267, 280, 281. Strafford Papers, II. 256, 265. The following excuse of the Scottish commissioners, for declining the place of conference proposed by the king, shows the feeling of that people with regard to Strafford at this juncture: "We cannot conceal what danger may be apprehended in our going to York, and surrendering ourselves into the hands of an army commanded by the lieutenant of Ireland, against whom, as a chief incendiary (according to our demands, which are the subject of the treaty itself), we intend to insist, as is expressed in our remonstrance and declaration; who hath, in the parliament of Ireland, proceeded against us as traitors and rebels (the best titles his lordship, in his common talk, honours us with), whose commission is to subdue and destroy us, and who, by all means, and on all occasions, desireth the breaking up of the treaty of peace."—Rushworth, III. 1293. Nalson, *ubi supra.*

CHAP. XVI. 1640.

difference between an English and an Irish parliament, as assemblies to be managed. Equally unmindful does he appear to have been of the different business of a government, which had to do with the scattered inhabitants of our northern counties, and of that which had to deal with the more populous parts of the kingdom, covered with its towns and cities. Of these differences, however, and of the dangers with which his impolicy had encircled him, he now became so far sensible, as to request that the king would allow him to return to Ireland before the new parliament should assemble. But Charles was concerned to secure the assistance of the lord-lieutenant at this crisis, and commanded his attendance, assuring him, however, that "not a hair of his head should be touched." When the king made this promise, he doubtless flattered himself that it would be in his power to fulfil it.*

His trial. Nov. 13.

We have seen that on the second day after his arrival in London, the earl was impeached.† Three months were spent in preparation for his

* Whitelocke, 37.

† The promptitude of this measure is said to have resulted from the fact that Wentworth was about to impeach Savile, and some other lords, of a treasonable correspondence with the Scots, inviting them to an invasion of the kingdom.—Strafford's Trial, 2. Baillie frequently speaks of his countrymen having received promises of assistance from England, but from whom, does not appear. If they had been of so definite a chracter as this meditated impeachment supposes, we should probably learn more about them in the communicative epistles of this writer. He complains repeatedly that the promises received should have been so long mere promises: "The hope of England's conjunction was small, for all the good words we heard long ago from our friends; yet all this time, when their occasion was great to have shewn their affection to us and their own liberties, there was nought among them but either a deep sleep or silence."—Letters, I. 183. (Sep. 28, 1639.) There are no allusions to individuals in any of these passages.

trial; and the trial itself lasted fifteen days. Westminster Hall was fitted up for the occasion. The commons were present as accusers, having chosen thirteen of their number to act as managers of the prosecution. The peers were present as judges, with the earl of Arundel as high steward. Among the auditors were the king, the queen, and many of the principal ladies of the court. When a charge had been preferred, and witnesses examined, the order of proceeding was, that the court adjourned for half an hour, that the accused might confer with his council, and prepare his witnesses and defence. His prosecutors then spoke to evidence, and the business of the day closed.

The articles of impeachment amounted to twenty-eight. Not more than three of these, however, charged him directly with treason. The remaining number concerned things said or done, which were set forth as treasonable in their general tendency, and as showing a fixed intention or endeavour "to subvert the fundamental laws of the realm, and to introduce a tyrannical government against law." The articles which charged him immediately with the crime of treason, related to his compelling certain persons to comply with his arbitrary exactions, by quartering soldiers upon them; to his having raised an army in Ireland, and advised that the king should employ it to bring this kingdom into subjection; and to his having imposed a tax, by his own authority, upon the inhabitants of Yorkshire, purporting to be for the support of the trained bands.

In his replies to these articles, Strafford dis-

CHAP. XVI. 1640.

played a self-possession and an eloquence, which not unfrequently baffled his opponents, and which was found, ere long, to have made a considerable impression in his favour, both among his judges and the spectators, especially the ladies. Some of these charges he simply denied. For several of his actions, he pleaded the peculiar state of society and of the law in Ireland, and the practice of his predecessors in office. Others he represented as being no more than an execution of royal warrants. His great appeal was to that strong tower which he had laboured so signally to demolish—the statute-law; insisting that no action should be construed as an offence, even by the court of parliament, which some explicit law had not previously determined to be such. Much of the reasoning urged against him he described as teaching, that many offences, no one of which, taken alone, could be treason, might, when put together, constitute treason. The weakness of this assumption he exposed with much force both of argument and ridicule. This, however, is far from being the manner in which the part of the case to which it referred was put by his prosecutors.

Opinion of the judges.

The judges were appealed to by the lords for their opinion, whether certain articles proved against lord Strafford did not amount to treason; and they were unanimous in declaring that he deserved by law to undergo the penalties of that crime. But the judges were at this time under an impeachment from the commons, on account of their decision in the case of ship-money. There is room, therefore, to doubt whether their decision

in the present case should be regarded as strictly unbiassed. It appears however to have had more influence than any other circumstance on the judgment of the lords. It would have been well if this application for the extra-judicial opinion of lawyers had been the only instance, in the course of this proceeding, in which the patriots descended to copy the bad example of their adversaries. At the same time the conduct of the popular leaders throughout this transaction is by no means so indefensible as their opponents affect to believe.

Different views respecting it.

By such persons it will be asked, are those men to be revered as patriots, who, while proclaiming themselves the great advocates of law and justice, could descend to gross artifice, in order to deprive their victim of the most important part of his evidence, and at the same time to procure the admission of evidence on their own side that was legally inadmissible? Was it patriotic, was it just, to occupy themselves three months in preparing for the trial, and to allow the accused little more than three weeks? Did they not force the prisoner on his defence when in a state of known indisposition? and, by refusing his counsel liberty of speaking, except to the law of the case, did they not almost deprive him of legal aid? And what shall be said of their hasty effort to obtain the judgment of the peers; the meanness and malevolence of resorting to a bill of attainder when the trial had closed; the passion and eagerness with which that bill was urged; the tacit, if not the direct, encouragement of mobs to intimidate the members of

CHAP. XVI. 1640.

the upper house, and the pitiful inhumanity of refusing the short respite of three days when the sentence of death had been pronounced? And as to the sentence which such means were employed to obtain, was it not worthy of them, consisting as it did in the strange assumption, that a man, who merely executes the king's orders, may be chargeable with levying war against him, and even with compassing his death?

But it may be observed, in reply to this statement of the case, that, in nearly all its particulars, there is a colouring introduced, the only effect of which is to mislead. The laws of judicial procedure, if not the law of treason, were widely different in the age of Strafford from what they have happily become in later times. There are points in the trial of this offender which are flagrantly unjust, as compared with trials that have followed it, but which have no such appearance when compared with many that preceded it. Thus, in the numerous articles preferred against Strafford, there are few which were not far better established than that which cost sir Walter Raleigh his life. And to notice this difference only, with respect to the assistance of counsel, it was not until the prosecution of Middlesex, that either law or custom had allowed an impeached minister to avail himself of such assistance at all. It is hardly surprising, therefore, that the propriety of allowing delinquents of that class the very utmost aid of this kind should fail to be at once perceived. As to pressing the peers to a judgment with indecent haste, this, if it were true, would admit of some apology, from

the fact that the commons, amid a pressure of business unparalleled in our parliamentary history, had given several months to preparations for this trial; had extended the trial itself through fifteen days; and had bestowed, as the folio occupied with their proceedings must show, the most deliberate attention during that interval on the series of articles introduced.*

That lord Strafford, making every due allowance for the peculiar circumstances of Ireland, was there guilty of abusing the high powers with which he was intrusted, so as to be justly chargeable with great oppression and tyranny, is beyond dispute. That in aiding the exaction of ship-money he did that which he well knew to be a violation of the fundamental laws of the kingdom, is not less

* Strafford defended himself, with much spirit, from the charge of having spoken certain words which were interpreted as treasonable. "Shall words," he replied, "spoken by way of argument, in common discourse between man and man, when nothing has been done upon them,—shall such bare words be brought against a man, and charged on him as high treason? God forbid that we should ever live to see such an example in this kingdom. If words spoken to friends in familiar discourse, spoken in one's chamber, spoken at one's table, spoken in one's sick-bed, spoken, perhaps, to gain clearer light and judgment by reasoning:—if these can be brought against a man as treason, all intercourse, all confidence, all the comfort of human society are destroyed. Let no man henceforth venture to impart his solitary thoughts to his friend or neighbour." This is not more eloquent than just. But who does not know, that the very kind of atrocity at which the prisoner pretended to stand aghast, had been far exceeded in his own conduct toward Mountnorris! It is the same with the rest. The sentiments delivered by him in the course of his trial are often the most just and noble; but it should be remembered, that with scarcely an exception, they were sentiments which had been grossly belied in his actions. It was this sort of effrontery which led one of his prosecutors to exclaim, "He who would not allow others to have law, ought not to have any himself. It is true we give laws to hares and deer, because they are beasts of chase; but it was never accounted cruelty or foul play to knock foxes and wolves on the head, because they are beasts of prey." This language is not to be justified, but the conduct of the accused party renders it less liable to censure than it would otherwise have been.

CHAP. XVI. 1640.

certain; and, from the evidence produced on his trial, and still more from his private letters since brought to light, it is quite as certain that it was his constant aim and effort to subvert the dominion of the laws, and to substitute the tyranny of a single will in its place. If this was not treason it was perhaps high time it should be made such, since few treasons had equalled it in atrocity. That the earl of Strafford deserved to die, according to the most acknowledged principles of society, was the sincere conviction of nearly all those men who had shown any real concern for the public welfare; and their object was to conform the technicalities of the law, to what they regarded as the moral character of the case.

The question however still occurs—was Strafford really guilty of high treason? His prosecutors appealed to the maxim—the king can do no wrong. Now as it is not merely a wrong, but a wrong of the most criminal description, to attempt a subversion of the most sacred laws of the commonwealth, the man who professes to do so at the king's bidding must be supposed a liar, and regarded as doing so, not merely without the king's consent, but in violation of his command. But it should not be concealed, that though a conspiracy to subvert the laws was a much worse offence than any which the statutes of treason had defined, it was still one against which no direct provision had been made. At the same time the people, and the lawyers, of England, had been so much accustomed to constructive interpretations of the law of treason, that to have adhered to it strictly in this case,

would have been truly a novelty in the history of those revolting exhibitions called state trials.* CHAP. XVI.

1640. Bill of attainder.

The fear, it is said, lest a conviction short of treason should be the issue of this struggle, determined the commons to proceed by a bill of attainder, which was in fact to make a law that should of itself determine the guilt of this minister. The commons however asserted, that their altered process was merely intended to save time, and insisted on the crime of treason as being fully proved. Some of the warmest advocates of liberty have censured this measure, as a departure from the sacred rules of justice. But it has been justly remarked, that there is an important distinction to be observed here, between the proceedings of the ordinary courts of law, and those of the court of parliament. Courts of law act by a delegated authority, and according to rules laid down by the power from which that authority is received. Their business is simply to enforce—never to enact—never either to add to, or to take from. But when certain ministers of a sovereign, judging themselves "above the reach of ordinary justice, feared no extraordinary interference of it, and, by degrees, thought that *no fault*, which was like to find *no punishment*,"† it became a serious question, whether the legislature—the power intrusted with the lives and fortunes of the community—should not take such delinquents under its immediate cognizance, and provide, if need be, for their adequate punishment. In such a case it may be doubted, whether the sacred forms of justice are really infringed,

* Hallam, I. 567. † Clarendon, I. 119.

CHAP. XVI. 1610.

inasmuch as no rule is supplied by what is done in parliament, that may become a precedent to any other tribunal. It is simply the power which binds all, binding an individual.*

It has been justly remarked also, that the legislature has seen cause repeatedly to suspend the habeas corpus act; and that the evils of arbitrary imprisonment, in the case of large multitudes, are surely as considerable as that of cutting off some notorious offender, by means of a law made for the purpose. That the first of these cases, whenever it occurs, is a serious evil, will not be denied; but it is presumed that there is a good to be accom-

* Fox's History of James I. (Introduction.) Brodie, III. 99. "That he (Strafford) told the king, that he might use his prerogative in raising money, and was absolved from rules of government, is indisputable: indeed, he admitted that he might have used the first, and his quibble about the meaning of the words never could have been seriously listened to, when it is considered that the advice was given because the legal mode (of raising money) had proved ineffectual. But if this be established, what related to his bringing over the Irish army was of no importance. He who recommends the adoption of an arbitrary course, and that particularly of taking the money of the subject by violence, necessarily calculates upon either having already a sufficient force to effectuate the object, or on being able to command it; and therefore the conclusion is inevitable, that Strafford either was prepared to introduce the Irish army, or flattered himself that the executive had strength to carry through the measure without its assistance. The Irish army could merely have effected the purpose in view. In either case, the country was 'to be reduced to obedience;' and upon the same principle that the Scots were to be overpowered by military force, for resisting arbitrary measures, we cannot doubt that the same men were ready to advise, and pursue, a similar course in England. Surely, then, whatever may be said of the bill of attainder, it must be admitted, that he committed the most aggravated treason against the state, and that there would have been a deplorable defect in the constitutional system, if criminality of so horrid a dye, partly acted upon too, had been permitted to escape punishment, in a country where the heavy penalties of justice were severely visited on each petty offender."—Ibid, 103, 104. It was thus that this point of the case appeared to Strafford's judges, and what it includes as mere inference, was not only as necessary as this reasoning suggests, but has been since placed beyond dispute by the publication of documents then in secret.

plished by it, that will justify resorting to it. And if the legislature, in order to reach a peculiar form of delinquency, may be justified in suspending a statute, may it not be justified, while pursuing the same end, in creating one?

On this point a powerful writer has thus expressed himself: "That on great emergencies, the state may justifiably pass a retrospective act against an offender, we have no doubt whatever. We are acquainted with only one argument on the other side, which has in it enough of reason to bear an answer. Warning, it is said, is the end of punishment. But a punishment inflicted not by a general rule, but by an arbitrary discretion, cannot serve the purpose of a warning; it is therefore useless, and useless pain ought not to be inflicted. This sophism has found its way into several books on penal legislation. It admits, however, of a very simple refutation. In the first place, punishments, *ex post facto*, are not altogether useless, even as warnings. They are warnings to a particular class, which stands in great need of warnings—to favourites and ministers. They remind persons of this description, that there may be a day of reckoning for those who ruin and enslave their country in all the forms of law. But this is not all. Warning is, in ordinary cases, the principal end of punishment, but it is not the only end. To remove the offender, to preserve society from those dangers which are to be apprehended from his incorrigible depravity, is often one of the ends. In the case of a powerful and wicked statesman, this end is so important, as alone to justify the utmost severity, even though

CHAP. XVI. 1640.

it were certain that his fate would not deter others from imitating his example. At present, indeed, we should think it extremely pernicious to take such a course, even with a worse minister than Strafford—if a worse could exist; for at present parliament has only to withhold its support from a cabinet, to produce an immediate change of hands. The case was widely different in the reign of Charles the first. That prince had governed for eleven years without any parliament; and even when parliament was sitting, had supported Buckingham against its most violent remonstrances."*

The following passage presents an intelligent, and to me an impartial view of this much controverted matter. "If we pay such regard to the principles of clemency, and moderation, and of adherence to fixed rules of law, as to pass some censure on this deviation from them in the attainder of Lord Strafford, we must not yield to the clamorous invectives of his admirers, or treat the prosecution as a scandalous and flagitious excess of party vengeance. Look round the nations of the globe, and say, in what age or country would such a man have fallen into the hands of his enemies, without paying the forfeit of his offences against the commonwealth with his life. They who grasp at arbitrary power, they who make their fellow-citizens tremble before them, they who gratify a selfish pride by the humiliation and servitude of mankind, have always played a deep stake; and the more invidious and intolerable has been their preeminence, their fall has been more

* Edinburgh Review, Sept. 1828, 116, 117.

destructive, and their punishment more exemplary. Something beyond the retirement or the dismissal of such ministers has seemed necessary to 'absolve the gods,' and furnish history with an awful lesson of retribution. The spontaneous instinct of nature has called for the axe and the gibbet against such capital delinquents. If then we blame, in some measure, the sentence against Strafford, it is not for his sake, but for that of the laws on which he trampled, and of the liberty which he betrayed. He died justly before God and man, though we may deem the precedent dangerous, and the better course of a magnanimous lenity unwisely rejected; and in condemning the bill of attainder, we cannot look upon it as a crime."*

His death.

On the seventh of May that bill passed the lords; on the tenth, after a painful struggle, the king assented to it; and two days later, the earl of Strafford was beheaded on Tower Hill. The same high and intrepid bearing which had distinguished him through life, was preserved to the moment of his death.†

* Hallam, I. 572, 573.

† Every one has heard of Strafford's request, that Charles would not hesitate to sacrifice his life if necessary to a reconciliation between the crown and the people; and of his marked astonishment when the monarch discovered himself capable of acting on this policy. The king lived to repent of doing so, and well he might. Windebanke had adopted the same magnanimous language on his impeachment, but shewed his wisdom by trusting to a better means of safety than the king's firmness. Goodman, a catholic priest, whose death was required by the parliament, had addressed the sovereign, a little previously, in the same terms, and with much more appearance of sincerity than the greater man who now followed his example.—Ludlow, I. 176. Rushworth, VIII. 743. Nalson, I. 738. Baillie, I. 238.

CHAP. XVII.

PROCEEDINGS IN PARLIAMENT AFTER THE KING'S RETURN FROM SCOTLAND.

THE ARMY PLOT. — THE INCIDENT. — THE IRISH MASSACRE. — INCREASE OF THE ROYALIST PARTY. — CHARLES ENTERTAINED BY THE CITY. — ALARM OF THE PATRIOTS. — BILL FOR CONTINUING THE PARLIAMENT. — THE REMONSTRANCE. — PROTEST OF THE BISHOPS. — THEY ARE IMPEACHED — EXCLUDED FROM THE UPPER HOUSE. — IMPEACHMENT OF THE FIVE MEMBERS. — THE KING ENTERS THE COMMONS. — TRIUMPH OF THE PATRIOTS. — CLAIM RESPECTING THE FORCES. — ATTEMPT ON HULL. — PREPARATIONS FOR WAR. — SIEGE OF PORTSMOUTH. — RAISING THE STANDARD. — STATE OF THE DISPUTE BETWEEN THE KING AND THE PARLIAMENT.

CHAP. XVII.

1640. The army plot.

It was during the trial of Strafford that Charles became a party to the intrigue which is known by the name of the army plot. According to this scheme petitions were to be presented to both houses by the officers of the English army, expressing satisfaction with the concessions made by the sovereign to his people, and praying that the troops under their command might be allowed to approach nearer to London, for the purpose of protecting both the king and the parliament during the present excited state of the populace in that city. But this project soon came to the knowledge of the patriots; its intention was sufficiently obvious, and its immediate effect was an arrangement

CHAP. XVII.

to secure a speedy disbanding of the English and Scottish armies.*

1641.

The incident.

During the king's visit to Scotland his great object was to conciliate his subjects in that kingdom; but, even there, the affair called "the incident," was fatal to this prudent policy. The incident consisted in an attempt to crush the leaders of the popular party, especially Hamilton and Argyle, who, if other means failed, were to be removed by assassination. The detection of this conspiracy provoked the strongest suspicions in Edinburgh as to the king's intentions; and these were soon extended from the Scottish parliament to the assembly at Westminster. Charles evidently was a party to this plot, though we may believe, with Clarendon, that the project of assassination was discouraged by him.†

October.

The Irish massacre.

Oct. 23. 30.

In the midst of the suspicions thus excited broke forth the Irish rebellion, and its memorable massacre. The tidings of this event were received

* See Clarendon, I. 428—464, and his inaccuracies corrected by Brodie, III. 108, *et seq.* 583, *et seq.* and Hallam, I. 573, 574. The last writer observes, of this proceeding, that "difficult as it might be to fix its proper character, between a loose project and a deliberate conspiracy, this at least was hardly to be denied, that the king had listened to and approved a proposal of appealing from the representatives of his people to a military force."

† Balfour, III. 94—130. Baillie, I. 330—332. The most complete account of this affair, by any modern writer, will be found in Brodie, III. 143—155. Amid the panic which it produced in Scotland, Charles called for a public investigation, meaning to be himself present. But his thoughtful countrymen preferred a process which should exclude the king, and remain a secret until completed. The disclosures thus brought out were greatly injurious to the king's affairs. Mr. Brodie describes it as "a melancholy proof of his purpose to take the first opportunity to retract his concessions, and overwhelm, by military force, as well as by stratagem against their leaders, the great body of the people."—175. May's Hist. 80, 81.

CHAP. XVII. 1641.

with the utmost alarm. It was well known that Charles had indulged the hope of controlling his opponents in the English parliament by means of the army which Strafford had left in that kingdom, and that an active correspondence had been maintained with a view to this object. To what the destruction of the protestant population of Ireland would lead, could only be conjectured; and the very uncertainty as to the extent of the massacre, the plot in which it originated, and, above all, of the king's connexion with it, was but too well adapted to fill the parliament and the nation with a spirit of misgiving seriously unfavourable to the measures of the court.*

Division among the patriots.

But opposed to these events were others from which different things were augured. The power of the commons, which the recent changes had rendered so palpable, began at length to excite the alarm, or the envy, of a considerable party in the

* Temple's History of the Rebellion. Carte's Ormond, I. *ubi supra.* "The rebels ever declared that they acted by the royal authority, in opposition to the puritan party, whose measures were not less hurtful to the prerogative than baneful to them."—Brodie, III. 189. That Charles had been in correspondence with the men who became leading insurgents, and with a view to employ them in suppressing the puritan party, will hardly be doubted; but the brutal violence afterwards resorted to by these wretches was their own. The number of the murdered was said, by some catholic writers, to have been two hundred thousand, and the accounts vary from that amount to three or four thousand. Clarendon, whose means of information were of the best kind, and whose predilections, in this case, would not lead him to exaggerate, fixes the number at forty thousand! The Scots had no sooner taken arms than they were denounced as traitors; but "long was he" (Charles), says Mrs. Hutchinson, "before he could be brought to pronounce these murderers rebels; and when he did, by special command, there were but forty proclamations printed, and care taken that they should not be much dispersed, which course afflicted all the good protestants in England."—I. 143. Charles did much to confirm the worst suspicions of his English subjects, by employing these bloodhounds, at a later period, a gainst the parliament.—May's Hist. 81—84, 99.

upper house; and before the king's return from Scotland, it was resolved by a formidable body in both houses, to oppose any further concessions from the throne. Charles watched this new feeling with interest, and conferred offices on several noblemen whose services appeared to be attainable and important.*

Charles entertained by the city. Nov. 25.

On the king's arrival in London, another circumstance occurred which tended to raise the hopes of the monarch, and to excite the fears of the patriots. When approaching the metropolis, Charles was met by the mayor, the sheriffs,

* May has given a luminous account of the causes which, by this time, had served to produce a schism among the parliamentary leaders, and to render the authority of that assembly among the people much less than hitherto. The parties whose interests were endangered by the recent changes were of course mostly opposed to them. But a main difficulty appears to have referred to the management of the religious feeling among the populace, which began to assume a licence that shocked the more sober spirits of both houses, and which the boldest men hesitated to place under any severe restraint. The people are described as "reforming without authority, order, or decency; rudely disturbing church-service, whilst the common-prayer was reading, tearing books, surplices, and such things. To this were added, those daily reports of ridiculous conventicles, and preachings made by tradesmen, and illiterate people of the lowest rank, to the scandal and offence of many: which some in a merry way would put off, considering the preceding times, by saying, 'that these tradesmen did but take up that duty which the prelates and great doctors had let fall, the preaching of the gospel; that it was but a reciprocal invasion of each other's callings, that chandlers, salters, weavers, and such like, preached, when the archbishop himself, instead of preaching, was daily busied in projects about leather, salt, soap, and such other commodities as belonged to those tradesmen.'" The same writer remarks, that the patriots, by charging the king with an inclination toward popery, which could not be proved, had taught many to doubt the correctness of their accusations against him with regard to the liberties of the country; so that the cry against popery, while it gained adherents among the populace, created opponents among the more reflecting. The historian proceeds so far as to intimate that the cause of the parliament would have fared better if religion had been kept altogether apart from its discussions. It is difficult, however, to understand this, inasmuch as the civil wrongs of the country were not more flagrant or serious than the religious. Hist. 75—78. A similar remark, however, occurs in Mrs. Hutchinson. Baillie, I. 246, 247. Whitelocke, 46.

CHAP. XVII. 1641.

and many of the most considerable citizens, in procession, and, after dining at the Guildhall, he retired amid the acclamations of the people.*

Alarm of the patriots.

Whatever bespoke the returning power of the king, gave new strength to the apprehensions of the men who had incurred his displeasure. Charles had hitherto yielded to the stream, but it had not been without visible reluctance; and few men could doubt, that were he possessed of the power, he would be at no loss for the casuistry, with which to undo at pleasure whatever he had done from constraint. Through this reign and the last, the men who by their conduct in parliament rendered themselves obnoxious to the court, had been called almost uniformly to suffer much from its lawless resentment, as soon as the houses were dissolved; and the present leaders in the commons were justly apprehensive, that the hand of no common oppression would be upon them, if suddenly reduced to their private capacity.

Bill for the continuance of parliament.

It was this fear that led to the introduction of a bill, which, in three days, placed the long parliament in a state equally independent of the crown and of the people. This was done, by declaring that the parliament now assembled should not be dissolved without its own consent. That this measure was contrary to all law and precedent is unquestionable;—how far the circumstances of the case were such as to justify it, is a point that will be variously judged. But thus the partial return of

* "Many people, ill affected to the parliament, gave it out, in ordinary discourse, that the city were weary of the parliament's tedious proceedings, and would be ready to join with the king against them." May's Hist. 88.

loyalty, which imparted new confidence to the king, increased the vigilance of the patriots, who now appeared before him as men sensible of having advanced much too far to recede, and resolved that the energy which had recovered their rights, should not be wanting in the effort to defend them.*

The remonstrance. Dec. 15. 1641.

In a remonstrance on the state of the nation, and the remedy of its evils, a tone of address was adopted, which discovered that a resolution had been extensively formed, to leave no matter that might affect the vital liberties of the kingdom, subject to the immediate control of the monarch. Such, indeed, was the distrust which the instances of duplicity and intrigue in the conduct of the king had produced, and such were the rumours of change and retribution, which emanated almost daily from the court, and even from the chamber of royalty, that if the patriots meant to be safe themselves, or that men treading in their steps should be safe, it behoved them to relinquish nothing of what they had gained, but rather to protect their acquisitions by yet stronger securities. From these causes, however, it happened, that the permanent claims of the monarchy, as a branch of the constitution, were almost overlooked in the effort to provide against difficulties arising from the personal character of the present sovereign.†

* Parl. Hist. II. *ubi supra.*

† This remonstrance was adopted, after one of the most protracted and ardent debates in the history of parliament; and the difference of judgment which existed respecting it in that assembly, still exists. The paper included a notice of all the great disorders which had attended the king's government from the time of his accession. But what the one party described as necessary to convince the king of the inexpediency of the policy he had pursued, and to win him back to better courses, was denounced by

CHAP. XVII. 1641.

These were the causes also, which led to the ungracious claim respecting the command of the forces. This power had been hitherto vested in the king; it was now urged that it should be transferred to the parliament. That Charles should resist this demand to the utmost, was to have been expected.*

Protest of the bishops.

It was some time after the king's return from Scotland, that the bishops sent a paper to the upper house, stating that in consequence of the violence with which they had found themselves threatened by the populace, it would be at the hazard of their lives to attempt to occupy their place in parliament, concluding with a protest against the transaction of any business during their absence. On the receipt of this communication, the doors of the lower house were closed. It was argued, that it was in the choice of the bishops to attend, or not to attend; but to rest the validity of proceedings in parliament on the fact of their being parties to them, was, in truth, to make the existence of a legislature dependent on their pleasure. On this ground, the conduct of the prelates was voted to be an assumption of kingly power; and they were forthwith impeached of high treason. Those who were prepared to apologize for their conduct were dismissed; but the

Dec 29.

They are impeached.

the other, as only fitted to irritate, and to lower his reputation with his people. It was carried by nine votes only. Its opponents judged most correctly as to its effect on the monarch. May's Hist. 89. Charles would have been much less affected by this measure, had not the paper been printed, and thus allowed to pass into the hands of the people.—Rushworth, IV. 436, *et seq.*

* Clarendon, II. 76—80.

greater number were secured by the usher of the black rod, and some committed to the Tower. Thus ended an unfortunate show of authority. To save the bishops, as an order, Charles was at length obliged to give his assent to a bill, which excluded them from their ancient connexion with the parliament of the realm. This was among his latest acts, before raising the standard at Nottingham.* CHAP. XVII. 1641. Dec. 30. Excluded from the upper house.

Four days only had passed since the impeachment of the bishops, when the king determined to shew himself not less intrepid than the commons in supporting his plans. It was rumoured, we are told, that the patriots meant to impeach the queen; and that this report operating on the fears or the resentment of Charles, contributed to his adoption of a measure which became the theme of bitter regret with his friends, and of loud complaint with his enemies. The attorney general was instructed to present himself at the bar of the upper house, and to prefer the charge of high treason against lord Kimbolton, Pym, Hampden, Hollis, Haslerig, and Stroud; all well-known opponents of the court. The only article of the charge brought against them, at all plausible, was that which referred to their correspondence with the Scots, in their recent invasion of the kingdom. But a little sense of honour should have taught the king, that supposing this accusation to have been well founded, every such offence had been annihilated by his own act of oblivion. The lords, instead of forthwith committing the accused persons, appointed a Impeachment of the five members. 1642. Jan. 3.

* Lords' Journals, 496—499. Rushworth, IV. 466. May's Hist. 96, 97.

CHAP. XVII. 1642.

committee to search for precedents. The case of the commoners indeed did not belong to them, but to the courts of law. Charles, however, was in no temper to brook delay, and he instantly despatched a serjeant-at-arms to the commons, with instructions to place the delinquents in custody. The answer given by the house was, that the point was one which required deliberation, but that the due appearance of the five members might be relied upon.

The king enters the commons.

On the following day, the king himself proceeded to the house, followed by armed men. These, except the prince elector, his nephew, were left at the door. The monarch took his place in the chair of the speaker, and having glanced in search of the persons impeached, without discovering them, he inquired of the speaker if they were present. That officer fell upon his knees, and replied, that he was the mere organ of the house, and possessed not the power of uttering any thing, or knowing any thing, except as instructed by it. Charles expressed his regret that "the birds had flown," and thus deprived him of the pleasure of securing them; but informed the house, that he intended proceeding in this affair according to law, and that in cases of treason there should be no privilege. A scene like this had never transpired in the history of parliament. The ominous silence with which the king's address was heard, was broken by the more ominous sound of "Privilege, privilege!" which rose into loud murmurs as he returned toward the door.*

* Rushworth, IV. 370, 473—477. Somers' Tracts, IV. 330—340. Parl. Hist. *ubi supra.* Warwick Memoirs, 204. Whitelocke, 52, 53. May notices

1642. Triumph of the patriots.

During the following week, the parliament was adjourned, and the most active preparations were made to render the imprudence of the monarch subservient to the popular cause. Instances had already occurred, in which the two houses had been surrounded by mobs, who sought to intimidate the opponents of their favourite objects, by their numbers and their shouts. Armed men also had paraded the streets, professing to be the protectors, some of the courtiers, and others of the parliament; and these, in their rencontres, had proceeded to blows, and sometimes to bloodshed.* But a much stronger expression of the popular feeling was in reserve. On the day when the parliament reassembled, the impeached members were seen passing towards Westminster in boats, attended by two thousand seamen, bearing arms, and by select companies from the train-bands, who brought several pieces of cannon along either side of the river. Hampden, on landing with his colleagues, was greeted by four thousand horse-

Jan. 11.

that only the day before this scene took place, the commons had petitioned the king for a guard, to save the parliament from "the insolence and menacing" of its enemies. Charles refused, and the next day conducted three hundred armed men and soldiers to the doors of the house. The partizans of the monarch, in describing this act simply as an act of weakness, appear to forget its flagrant illegality, and the ebbing state of feeling, at this moment, with reference to the parliament. It was a failure, and all failures are spoken of as unwise, but its success was no impossibility. May, 90, 91. Two days later, the five members were described, in a royal proclamation, as flying from justice, "through the conscience of their own guilt."

* "There wanted not some men disaffected to the parliament, who went up and down, persuading the young gentlemen of the inns of court to make offer of their services to the king, as a guard of defence, if any danger threatened him. Upon which, divers of those young gentlemen repaired to court, and were kindly received by the king and queen." Had not Charles overrated incidents of this nature, the impeachment of the five members would not perhaps have been attempted. May's Hist. 93, 94.

CHAP. XVII. 1642.

men from Buckinghamshire, who professed to consider their own honour as impeached in that of their representative. The shouts of the populace, which had some time ceased to be a novel sound, were animated on this day by the peals of martial music. The fall of royalty indeed appeared to be complete. But from this excess of degradation, it was not difficult to augur some return of sympathy in its favour. The king, having retired to Hampton Court, escaped exposure to this mortifying spectacle.*

The utmost vigilance of either party was now employed, in counteracting the policy of the other. The spies of the king disclosed to him the proceedings of every committee in the commons; and the patriots, in their turn, contrived to possess themselves of the most secret purposes of the sovereign.†

Charles, aware, too late, of his imprudence, proposed to drop the prosecution he had commenced, and to extend a general pardon to the impeached members. But pardon implied guilt, the existence of which was denied. It was insisted that the king should name the persons who had advised him in his late infringement of the privileges of parliament. To this demand, which was assuredly somewhat unreasonable, the king did not deign to reply.‡

* Rushworth, IV. 480—484. Nalson, II. 823—829. Clarendon.

† Clarendon's Life, 46—49. Clarendon Papers, III. App. liv. Rushworth, IV. 495, *et seq.* Clarendon's conscience was particularly accommodating at this time. He appeared to concur with the patriots, but performed the part of a most assiduous spy for the king. His communications were all transcribed by Charles himself, and the originals burnt.

‡ Rushworth, IV. 490, 491.

CHAP. XVII.

1642. Claim respecting the forces. Jan. 20.

The next claim of the patriots was one which had been previously urged, but in vain. It was, that the direction of the army and navy, and the possession of the forts of the kingdom, should be intrusted to persons nominated by the parliament. That Charles should resist this pretension was natural, and had he been so patriotic, and so honourably-minded as he is sometimes said to have been, we should doubtless sympathise with any indignation which the bare mention of such a claim might awaken. But such a view of the king's character can only be supplied by the false lights of favouritism; it is not to be found in the faithful mirror of history. Of this we have proof in the progress of the very question now adverted to. It was at length resolved to make an apparent surrender of the command of the forces; but this proposal was accompanied with that treacherous reservation, which there was too much room to believe had attended the many concessions that had gone before it. By the courtiers it was argued, that a measure, evil in itself, could not be made to change its nature by the royal assent, and must, of course, be such as it would behove the king to recal, as soon as it might be done with safety. It was agreed, therefore, that the concession should be made, but it was required, that the men to be nominated by the parliament should not hold their offices more than two years, and that a law should be enacted, making the authority possessed by such persons to emanate from the sovereign, leaving it to the parliament simply to nominate the parties to whom the power should be intrusted. This

CHAP. XVII. 1642.

condition excited the suspicions of the popular leaders, and was rejected, as neutralizing what seemed to be granted. It was thought, probably, that the proposed clause would enable the king, in the event of a dissolution, to supply the place of the persons so appointed, by persons of his own selecting, under pretence of their being removable at the next meeting of parliament. After a few days, an ordinance was agreed to by the parliament, in virtue of which fifty-five persons were chosen from the two houses, under the name of lieutenants, and placed in so many districts, to have possession of the forts, and to make the requisite provisions against invasion or rebellion.*

The papers alternatively issued from this time by the king and the parliament, continued, through several months, to agitate the nation. Both parties were fully aware that the sword was about to become the arbiter of their disputes, and both were covertly occupied in preparing for that event. Before this sort of correspondence had commenced, Charles had sent his queen to Holland, on the pretence of accompanying the wife of the prince of Orange, but in reality to procure him the means of taking the field against the parliament and its adherents. With his mind full of these plans, he began his journey from London towards York.†

Attempt on Hull.

It was from this last place, that Charles made his memorable attempt to possess himself of the

* Clarendon, II. 76—80, 179, 180, 198—204, 206—214, 226—229, 234, 253—255, 259, 260, 261, 264—293. Rushworth, IV. 516—528. Clarendon's Life, 51, 52. Lingard, X. 170, 171. May, Hist. 103—109.

† Rushworth, 528—552. Clarendon, *ubi supra*. Hutchinson's Memoirs, I. 146.

town of Hull, with its rich magazine. But sir John Hotham, the governor, became aware of the stratagem which had been devised for this purpose, and remembering that he had received his office from the authority of parliament exclusively, he placed the town in a posture of defence, and refused to surrender at the royal bidding. The monarch threatened and entreated, but without effect. Before submitting to the mortification of a retreat, Charles ordered sir John Hotham to be proclaimed a traitor by sound of trumpet.*

April 24.

Preparation for war.

This enterprise, though a violation of his recent compact with the parliament, was one, perhaps, which few men, in the circumstances of Charles, would not have been disposed to attempt. It served to remove the thin disguise which had hitherto lain over his purposes; and its chief effect, in consequence, was to hasten the approaching crisis, and to enable his opponents to impute the evils of that crisis to his conduct, with greater appearance of propriety. By the parliament, the movement was declared to be a breach of its privileges; the military stores at Hull were removed to the Tower; the train-bands of the city were placed under the command of general Skippon; the earl of Warwick was created lord admiral; and the earl of Essex, lord general, with the command of sixteen thousand men.†

July 12.

The king, at the same time, obtained assistance from a large portion of the nobility and gentry; from the two universities, and many of the clergy;

* Clarendon, II. 381—386. Husband, 138.

† Ibid. II. 386—418. Rushworth, IV. 565, *et seq.*

CHAP. XVII. 1642.

and especially from Holland, where the queen's activity procured important supplies of arms and ammunition.

At this juncture, nearly every town and village in the kingdom became a scene of the bitterest animosities, and commonly of outrage. By the friends of peace on both sides, an earnest effort was made to induce conciliation, and prevent the effusion of blood. But the demands of the parliament had been long governed by resentment and distrust; and nothing had yet occurred to diminish either of these dangerous passions. The course of events had rather tended to increase them. The king also, had become more confident of success, amid the loyalty and submission of his subjects in the north, than while surrounded by the turbulence and revolt of the capital. It was his mistaken impression, moreover, that as a sovereign he had nothing to lose by defeat, and every thing to hope from victory. Both parties accordingly proposed conditions, with which it was certain neither would comply. The praise of moderation appeared to belong to the royalists; but on that side moderate councils, if they had not been allied to bad faith, might have been acted upon with less hazard to individual or public interests.

The nineteen articles.

The nineteen articles which were now submitted to the king, as the ground of an adjustment, required chiefly that the great officers of state should be chosen by parliament, and be removable, in case of improper conduct, by the same authority; that the children of the royal family should be educated and disposed of in marriage, under the sanction of

both houses; that the liturgy should be revised; that the catholic peers should be deprived of their votes, and no new peers created without consent of the legislature; and that the ordinance which had placed the militia in the hands of parliament, should remain in force, until an act for that purpose should be passed. Among these requisitions, and some others equally novel, and, in one view, objectionable, are several, which have since become the direct or virtual possession of our parliaments. But unacceptable as they all were to the monarch, it was the last-mentioned that occasioned his chief difficulty. "Keep the militia," said Henrietta, "that will bring back every thing;" and Charles so far thought with his consort, that when pressed to surrender that instrument of authority, he exclaimed, "By God, not for an hour!" *

Siege of Portsmouth.

Strafford had once said, "it is a tender point to draw blood from subjects, even when rebellious." While events were thus shaping themselves the first blow was struck. Goring, the governor of Portsmouth, refused to obey the instructions of the parliament in relation to the new levies, and

* Rushworth, IV. 722—735. Mrs. Hutchinson relates of her husband, at this juncture, that "he applied himself to understand the things then in dispute, and read all the public papers that then came forth between the king and parliament, besides many other private treatises, both concerning the present and foregoing times. Hereby he became abundantly informed in his understanding, and convinced in conscience, of the righteousness of the parliament's cause, in point of civil right." The suppression of popish practices he considered a doubtful justification of war, but "the defence of the just English libertics," was viewed as clearly demanding it.—I. 147, 148. Clarendon states that the parliamentarians did their utmost to circulate their own papers and to suppress the king's. It would have been strange if some persons, on both sides, had not thus employed themselves. May's account is a contradiction of Clarendon's.

CHAP. XVII. 1642.

induced the garrison and the inhabitants of that town to declare themselves in favour of the king. Essex, the parliamentary general, laid siege to the place. The king issued a proclamation, declaring him, and the men under his command, to be traitors, unless they should return to their duty within six days. The parliament declared this proclamation a libel, and denounced all by whom it had been advised, or by whom it should be approved, as guilty of treason. A few days later the king raised his standard at Nottingham, a ceremony which imported the declaration of war.*

Aug 9.

Raising the standard. Aug. 22.

State of the question between the king and the parliament.

It has appeared that the controversy between the king and the parliament became much altered soon after the meeting of that body. The liberties secured by the constitution were soon recovered, as far as mere statutes could recover them, and the question accordingly ceased to relate to them, and became one about the means of protecting those liberties from future violation. The doctrine of necessity, which the king had so often pleaded in vindication of his illegal proceedings, was now urged by his opponents, who in their turn had become innovators. This necessity had been appealed to as supplying a justification of the monarch in his frequent suspension or infringement of the laws; and necessity, it was now insisted, required the adoption of such novel measures as might secure the provisions of the legislature from the possibility of being neutralized or violated by the chief magistrate.

That some new securities of this kind were

* Clarendon, III. 172, *et seq.* Rushworth, IV. 763, *et seq.*

really needed, appears to have been the persuasion of many among the warmest and most enlightened friends of the monarchy. But while such persons would have limited all restrictions on the prerogative, so as to have left it at least possible that it might some day break forth in its former splendour to the destruction of all who had opposed it, the popular leaders were concerned that their safety should depend upon the weakness of the sovereign, and in no degree upon his inclination. Their conduct must have resulted from one of two causes —from an ambition so mean and irrational as to be wholly at variance with their known character; or such a distrust of the king's sincerity as was strictly incurable. The latter was the real difficulty; and one which most men, in the same circumstances, would have felt in the same degree. The duplicity which had marked the character of Charles from his early life to the present time; the ease with which he had discarded the most solemn vows, especially in the case of the Petition of Right; the severity of his oppressions toward the members of successive parliaments, who had incurred his resentment simply by opposing his will; the reluctance with which he was known to have made his late concessions; the rumours of meditated vengeance which came from his presence to the ears of the obnoxious patriots; and the confirmation which the language of all these occurrences had received from the detection of his more recent intrigues in the three kingdoms, particularly from the affair of the five members;—these matters, all lying as they do upon the face of history, can

CHAP. XVII. 1642.

never fail to account for the ceaseless distrust, and, we must add, the frequent indignation of the parliamentary leaders.*

These men were not faultless. But to place the concessions made by the king in lengthened description, and then to expatiate on the still further demands made by the parliament, describing them as proceeding necessarily from a covert ambition, and as arguing the basest ingratitude,—in all this there is an oversight as to the main facts of the case, and a manner of treating history which converts it into enigmas, instead of explaining it. The patriots could not forget the man, while legislating with regard to the sovereign. Nor did it behove them to forget, that if the next king might be less inclined to the exercises of arbitrary power than the present, it was quite as possible that the reverse should be the fact, and that he should be a man who would bring to the arts of tyranny, not only much stronger passions, but far greater ability.

Since the days of Henry the seventh, the excesses of monarchy had been the source of nearly all our oppressions, and it was not until experience

* Mrs. Hutchinson's character of Charles is not a favourable one, but no doubt conveys the general impression with regard to him both among the patriots and their adherents at this time. "The example of the French king was propounded to him, and he thought himself no monarch, so long as his will was confined to the bounds of any law; but knowing that the people of England were not pliable to an arbitrary rule, he plotted to subdue them to his yoke by a foreign force, and, till he could effect it, made no conscience of granting any thing to the people, which he resolved should not oblige him longer than it served his turn; for he was a prince that had nothing of faith or truth, justice or generosity, in him; he was the most obstinate person in his self-will that ever was, and so bent upon being an absolute uncontrollable sovereign, that he was resolved either to be such a king or none."—1. 129.

taught them, that the most sober-minded Englishmen could feel seriously apprehensive as to the excesses of democracy. The patriots were sincerely persuaded that there was little to be feared from the latter, while they considered the utmost precaution as indispensable with regard to the former. The history of the ancient republics might have taught them otherwise; but it is an important fact, and one which our writers seem generally to have overlooked, that there was nothing in our own history to teach such a lesson. Their own labours, indeed, had already called forth some evils of this description, but no permanent injury was apprehended from them.

Charles should not perhaps be described as a vicious man. Compared with the majority of princes, he was even virtuous. Nor could the loyalty of the patriots have been at any time a powerful sentiment, if, while imposing so many ungracious restraints on their sovereign, they were without any lingering sorrow on account of the necessity which demanded them. But while they knew what to expect from the king's resentment, they knew of no confidence that could be placed in his word; and to this marked failing, the evils of his life, and of his death, must be mainly ascribed. In his accusation of the five members, "they plainly saw his judgment of late parliamentary proceedings; and every adherent of the ruling faction dreaded the same fate, should royal authority be re-established in its ancient lustre." This is the language of Hume, and supplies an ample vindication of the general conduct of the patriots.

CIVIL WAR.

CHAP. I.

STATE OF PARTIES.

A COMMON ERROR IN JUDGING OF THIS QUARREL.—THE ROYALISTS.—THE PARLIAMENTARIANS.—STATE OF THE COUNTRY.—SUFFERINGS OF THE PURITANS.

CHAP. I.

1642. A common error in judging of this quarrel.

THE enemies of the long parliament, in vindicating the proceedings of the royalists at the commencement of this memorable contest, have generally endeavoured to strengthen their argument by drawing largely from the fictions of the imagination. They have anticipated the popular excesses which followed the license of civil war on the one hand, and they have conceived of a state of great order and prosperity as resulting from monarchy, restrained as Charles had now consented it should be restrained, on the other; and it seems to have been assumed, that the ultimate extravagance of the people, and the future sincerity of the king, were both to be calculated upon with the most obvious certainty. But the men of that age had seen that the States of the Netherlands could throw off the yoke of arbitrary power without descending to anarchy; and as to the sincerity of Charles the first, it remains to be learnt that he was really capable of possessing the means of encroachment

or revenge without putting them into speedy requisition. His imaginary history, as floating in the view of his admirers, may be an exhibition of every excellence; but his real history, as supplied by the story of his times, is unfortunately very much opposed to this favourable judgment of his character. If the misrule which followed the unsheathing of the sword must be anticipated in this manner, when estimating the conduct of men who could not have foreseen it, let this at least be, that their proceedings may be compared with what is real in the sovereignty of the prince with whom they had to do, and not with a fictitious state of things, to the bare existence of which the elements of character manifest in that prince were nearly all directly opposed. To surround the parliament with imaginary bad works, and the king with imaginary good works, may be to task the imagination to some purpose, but surely not to the purpose of elucidating truth.*

* Hume has employed his ingenuity to render the petitions addressed to the commons, on the eve of the war, disgraceful to that body, and would have his readers conclude that the encouragement of such addresses was one method resorted to by the patriots to incite "the unhappy people to civil discord and convulsions." When the popular leaders were but too sensible of the king's hostile intentions, it surely behoved them to respect the expressions of public sentiment; and the time had no doubt come when the cry against popery, which had long been expressive of sincere apprehension, had become, in some degree, the watchword of a party. No man is perfect, bodies of men still less so; but this does not impeach the general conduct of the patriots, or the substance of their motives. If this could have been done without false statements, or false colouring, we must suppose that Mr. Hume would not have resorted to either. But to accomplish his purpose, he has been pleased to convert a petition from "poor tradesmen" into a petition from the "beggars;" and has changed the sober language of another into profane ribaldry; happily, it is of a nature to do no possible harm, except on minds already deeply vitiated. This last petition was from females, and presented by "a brewer's wife," a circum-

CHAP. 1. 1642. The royalists.

At Nottingham, the followers of the royal standard did not exceed six thousand men; at Shrewsbury, about two months later, they were increased to considerably more than double that amount. Through the kingdom, much the larger portion of the nobility and leading gentry were devoted to the king's interest; and the schism which had been for some time extending itself in both houses, and especially in the lords, produced important secessions in his favour.* In Shropshire, Worcestershire, the principality of Wales, through the four northern counties, and particularly in Oxford and its neighbourhood, the royal authority was acknowledged almost without opposition. In many counties, the two parties were nearly equal. But the royalists were generally from the higher orders, or from the very lowest, including few from the middle portion of the community. From the lower class, found chiefly in the agricultural districts, and brutally ignorant, there was little efficiency to be expected. And the men who accepted command over them, were often better suited to the court than the camp,

October.

stance which is expected to be particularly amusing. It was certainly a new thing for women to assemble for such purposes; but if brewers may be senators, we know not why their wives, as far as station is concerned, may not be petitioners; nor is it easy to understand why the patriotism of women should be applauded in old Rome, and be a topic only fit for ridicule in England. The historian has been misled in part, on this subject, by the inventive faculty of Clarendon, but, as usual, has improved much upon his author. Hume, VI. c. lv. Brodie, III. 306—308.

* May's Hist. 117, 118. The commons impeached nine of the seceding peers (June 15), and about a month later a sentence was passed on them. The proclamations issued by the king at York, and other places, promising, in the most solemn terms, to govern only according to law, were adapted to deceive multitudes, who had little opportunity of judging as to the credit that should be attached to them. Ibid. 132—134. Hutchinson, I. 170.

being mostly young men of family, whose habits of pleasure and debauchery were opposed to the discipline and self-denial which the service before them demanded. Near the king's person were a few such men as Hyde and Falkland, who, while firmly attached to the crown and the mitre, were concerned to see the influence of both considerably reduced, though by no means to a point so low as that proposed by the parliament. Some had gathered to the royal standard, from a sheer hatred of religion, as exhibited in the character and manners of the puritans. Others were there from an hereditary feeling of honour, though seriously dissatisfied with the object of the war, either from regarding it as menacing the destruction of parliaments, or as being a kind of crusade to restore the bishops. To these a large body of catholics must be added, who naturally preferred the connivance which they had so long experienced under the government of the king, to the intolerance with which they were threatened by the rising power of the parliament.

The parliamentarians

The parliamentarians were found chiefly in the metropolis and its neighbourhood, and along the westward and eastward divisions of the kingdom. Throughout the west, including the counties of Cornwall, Devon, Dorset, Somerset, Wilts, Gloucester, Hereford, and several others, though the nobility generally were in favour of the king, the body of the people, and some of the most active gentry, were so far in the interests of the parliament, that the royal cause derived little assistance from that extended portion of the island. The

CHAP. I. 1642.

merchants and tradesmen, resident in towns and cities, were almost uniformly on the popular side, and with them was a large body, we may say the majority, of the yeomanry through the kingdom. The preference which thus distinguished these parties must be ascribed chiefly to their better information, separated as it was from the neutralizing influence of that homage to external and hereditary greatness, which forms so powerful an element in the education of every aristocracy, and so common a prejudice with the mass of the people. This class of persons had also felt the benefits which the parliament had conferred upon them, in abolishing monopolies, ship-money, and many illegal imposts—burdens which, if left to the court, were likely to become much more oppressive than they had hitherto been. It was reasonable, therefore, that they should be concerned to sustain the power from which they had derived such sensible advantages, and which promised, on the new settlement of the kingdom, to be the best security of public interests.*

But with many this was not the only nor even the chief motive. They had found the inroads of arbitrary power inseparable from the inroads of popish superstition. The advocates of the one had nearly all proved to be the open or the secret partizans of the other. In breaking the yoke which had so long bowed the neck and the conscience of the nation, an ardour was evinced which frequently partook of indiscretion, and sometimes

* May's Hist. 141—148, 159—168. Sidney Papers, II. 667. Clarendon's Life, 69. Ellis's Letters, III. 291. Rushworth, V. 49, *et seq.*

of injustice. But it was not to be at once forgotten, that the policy pursued by the king and the prelates had driven thousands of devout men into exile, purely on account of their religion; that it had compelled a much larger number to choose between following these examples or doing violence to their conscience in the matter of popish ceremonies; that it had made the profanation of the Sabbath a mark of loyalty, and the keeping of it holy an act of disobedience; and that it had placed drunkenness and swearing among venial sins, when compared with fasting and prayer. All this they had done, and done it, there was room to fear, with a view to facilitate what could hardly be distinguishable from a national apostacy—the total overthrow of the reformed religion. "I thought," said the honest Richard Baxter, "that subjects were not guilty of all the faults of king or parliament in defending them; and that allowing both parties to be considerably in the wrong, men should adhere to that party which should most secure the welfare of the nation, and might defend the kingdom under their authority without owning all their cause." "And herein," he observes, "I was then so zealous, that I thought it was a great sin for men that were able to defend their country to be neuters. And I have been tempted still to think, that I was a more competent judge upon the place, when all things were before our eyes, than I am in the review of those days when distance disadvantageth the apprehension."*

Thus, it may be said, after a few exceptions,

* Life and Times, Part I. 39.

CHAP. I. 1642.

that on the one side was loyalty, a loyalty partaking of all the strength of hereditary feeling—of superstitious veneration. On the other was the love of liberty, and of liberty endeared the more by the wrongs it had sustained and the dangers which still encircled it. Beyond this, and greatly above it, was that sacred feeling which a devout man brings with him to the struggle, when his conscience is the point assailed, or when the power to be subdued is one which interposes between him and the great objects of his religious homage and attachment. The meeting of such combatants must often have been terrible; and the recollection that they were alike Englishmen, makes even the story of their heroism a tale of sorrow.

State of the country.

It was a melancholy scene that England was now for some years to exhibit. The counties of Cornwall, Devon, York, and Chester, severally agreed to a compact which it was vainly hoped might separate them from the strife; in the other parts of the kingdom no man was allowed to exempt himself on the plea of neutrality. The rival factions were continually watching to surprise and despoil each other. With the general armies it was often in vain to prohibit the work of plunder, the detachments of course were less subject to control. Every district was compelled to supply its measure of contribution to the party which happened to be ascendant in its neighbourhood.

Sufferings of the puritans.

The manner in which these things affected the puritans we learn from an eye-witness:—"When the conformist ministers were presented," says Baxter, "it produced in them hard thoughts of

bishops and their courts, as being enemies to serious piety. Suffering induced this opinion, and the ungodly rabble rejoiced at their troubles, applauded the conduct of the prelates, and were everywhere ready to set the apparitors on them, asking them, scornfully, Are you holier and wiser than the bishops?" When these iniquitous beginnings had wrought their effect, the civil war broke forth, and the people called puritans were mostly on that side to which they found the bishops and their persecuted neighbours opposed. Their desire, however, in all the places where their conduct came under Baxter's observation, was to live peaceably at home; "but the drunkards and rabble that formerly hated them, when they saw the war beginning, grew enraged; for, if a man did but pray or sing a psalm in his house, they would cry, down with the roundheads (a word then new made for them), and put them in fear of sudden violence." The next step was to bring the king's soldiers to plunder these injured people, which induced many of them to abandon their home; and when their property was consumed, and their lives in continual danger, they passed over by thousands to the garrisons of the parliament, and became soldiers.*

* Baxter's True History of Councils Enlarged, 92, 93. Charles himself assured his followers, at Shrewsbury, that "they should meet with no enemies but traitors, most of them Brownists, anabaptists, and atheists, who desired to destroy both church and state." Mrs. Hutchinson's account of the state of parties, and especially of the treatment to which religious men were exposed, and of its effect in making them soldiers, confirms that of Baxter. The name "roundhead" refers, as is well known, to the practice of those more severe religionists who denied themselves the fashionable indulgence of long hair. Memoirs, 1. 180—219.

CHAP. II.

MEASURES OF THE KING AND THE PARLIAMENT, FROM THE COMMENCEMENT OF THE WAR TO THE BATTLE OF NASEBY.

BATTLE OF EDGEHILL. — NEGOTIATION AT COLEBROOK. — SURPRISE AT BRENTFORD. — NEGOTIATION RENEWED. — ARRIVAL OF THE QUEEN. — WALLER'S PLOT. — DEATH OF HAMPDEN. — DEFEAT OF SIR WILLIAM WALLER.—SPIRITED CONDUCT OF THE CITIZENS.—NEW GREAT SEAL.—TREATY OF PARLIAMENT WITH THE SCOTS.—CHARLES OBTAINS ASSISTANCE FROM IRELAND.—ROYALIST PARLIAMENT AT OXFORD.—BATTLE OF MARSTON MOOR. — OVERSIGHT OF ESSEX. — SECOND BATTLE OF NEWBURY.—JEALOUSIES IN THE PARLIAMENT ARMY.—RISE OF CROMWELL — SECRET CONFERENCE AGAINST HIM — ACCUSED BEFORE THE COMMONS — PROPOSES THE SELF-DENYING ORDINANCE — BECOMES AN EXCEPTION TO IT. — ARMY NEW MODELLED. — DISUNION AMONG THE ROYALISTS.—DEPRESSED STATE OF THE KING'S AFFAIRS.—TREATY OF UXBRIDGE.—BATTLE OF NASEBY.

CHAP. II.

1642. Battle of Edgehill. Oct. 23.

THE battle of Edgehill was fought about two months after the raising of the royal standard at Nottingham. Both parties claimed the victory. It does not appear that either was entitled to it, though the advantage was evidently on the side of the parliamentarians, who in the evening occupied the place of their enemies, and on the following morning challenged them during three hours to a renewal of the contest. The resistance, however, which the king's party had shown themselves capable of making, obliged the patriots to form a more serious estimate of the strength opposed to

them, and many who had hitherto been silent began to declare themselves on the side of the monarch.*

1642. Negotiation at Cole-brook. Nov. 11.

Charles marched from the field towards Oxford, and not long afterwards received a deputation from the parliament.† But while the proposals for an accommodation were pending, a detachment of the parliamentary forces, which had taken possession of Brentford, was surprised by the royalists. The surprised party suffered considerable loss, beside fifteen pieces of cannon, and five hundred men who were taken prisoners. This proceeding fixed a stain upon the honour of the king's followers which was not to be removed. The negotiation that had been solicited was instantly abandoned, and the temper of the commons, and of their soldiers,

Surprise at Brentford. Nov. 12.

* "Next morning," says Baxter, "being desirous to see the field, I went to Edgehill, and found the earl of Essex, with the remaining part of his army, keeping the ground, and the king's army facing them upon the hill about a mile off. Neither of the armies moving towards each other the king's army presently drew off toward Banbury. The earl of Essex went back to provide for the wounded, and refresh themselves at Warwick castle, belonging to lord Brook." — Life, Part I. 43. Baxter attributes the chief loss of the army under Essex, to the treachery of sir Faithful Fortescue, "who turned to the king when he should have charged. The victory (for such he calls it) was obtained principally by colonel Hollis's regiment of London redcoats." The army under Essex consisted of little more than ten thousand; the royalists amounted to eighteen thousand, nearly a fourth of which were cavalry.—May's Hist. 168—173, 176. The most probable accounts make the slain of that day six thousand. Rushworth, V. 33—39. Baillie, I. 351. Hutchinson, I. 172, 173.

† This negotiation was not commenced until some bitter papers had passed between the king and the parliament. Charles was bold enough to affirm that there were more catholics in the army opposed to him than in his own. The commons expressed their astonishment at such a charge, appealing to it, as a notorious fact, "that there are none of that religion but are, either openly or secretly, assistant to that cause which the king hath taken." The monarch further states, that he had not made war against the parliament, but against "a dozen or twenty factious and seditious persons" who governed it. The weakness of this often repeated pretence was fully exposed. May's Hist. *ubi supra.*

CHAP. 11. 1643.

became such as threatened to render the attack at Brentford a costly experiment to their enemies.*

Negotiation renewed. Feb. 6.

Three months had contributed to soothe their exasperated feeling, when the advocates of peace, who formed a large party both in London and Oxford, succeeded in procuring a second negotiation, to be conducted in the quarters of the royalists. But Charles, when pressed to name his conditions, insisted that the forts, the fleet, the magazines, and the revenues of the kingdom, should all be placed in his possession, on terms expressed in the loose phrase — "according to law." The parliament might consist of the persons composing it in 1641; but to avoid inconvenience from tumult, it was required that it should hold its assemblies at least

April 14.

twenty miles from London. The king must have been aware, that such conditions would not be entertained for a moment. The secret reason of their being proposed was, as stated by Clarendon, that Charles had promised Henrietta, on her leaving the kingdom, that nothing should be concluded during her absence.†

Arrival of the queen. May 20.

The queen landed in Yorkshire in February. In May she joined the king at Oxford, with a

* May's Hist. 178, 179. The king assured the deputies, with many solemn protestations, that he was "tenderly compassionate of his bleeding people, and more desirous of nothing than a speedy peace. . . . . As soon as the parliament lords returned with this answer, the king's artillery (according to all relations) advanced, and taking advantage of a great mist that happened that Friday night, they marched to Brentford, and fell upon the parliamentary forces."—Ibid. Charles accused his enemies of meaning no more, by their proposals of peace, than to keep him inactive until they should encircle him with a superior force. Whitelocke, *55*, *56*. This, of course, was easily said; and it is plain that his situation had become such, that a little more promptitude on the part of Essex might have been fatal to him.—Baillie, 1. *351*, *373*. Hutchinson, 11. *173*, *174*.

† Rushworth, V. 164—261. Clarendon's Life, *76*, *et seq.*

seasonable supply of arms, ammunition, and men—an event which raised the spirits of the royalists under their recent loss of Reading.

Waller's plot. May 31.

During the same month, a scheme was detected, known by the name of Waller's plot. Its object appears to have been, to effect a union between such of the court party as remained in the parliament or the metropolis, so as to forward a peace, on terms less extravagant than those lately mentioned by the king, but much more favourable to the crown than those insisted on by the patriots. By the popular leaders, this enterprise was regarded as fraught with imminent danger to the liberty and the religion of the kingdom. It led to the introduction of an oath, or covenant, by which every member pledged himself never to aid the followers of the king, without the consent of both houses; and to support the power of the parliament, so long as the papists and others, in arms under the royal authority, should be sheltered from the punishments due to their treason. This declaration extinguished the hope of peace. It taught the leading men among the followers of the king, to consider their own fall as inseparable from that of their master.*

* Whitelocke, 67, *et seq.* Rushworth, V. 322—333. Hutchinson, I. 220. The last writer describes Waller's plot as threatening "the utter subversion of parliament and people." The preamble to this oath speaks of "a popish army" raised and on foot in the kingdom, to subvert the true protestant religion, and liberty of the subject. That the king was aided by the personal services of papists, and still more by their money, is certain; but that this was so far the case as to justify the use of such language with regard to the royalist army is doubtful. That Charles meant to overthrow the protestant religion, was an assertion that ought not to have been made. But the times were waxing worse in the case of both parties. To counteract this last accusation, Charles thus delivered himself publicly, when about to partake of the sacrament, from archbishop Usher.

CHAP. II. 1643.

The alarms excited by Waller's project, were followed by various circumstances which did not tend to allay them. It was in the ensuing month that John Hampden perished, from a wound received while charging the rear of the royalists, under prince Rupert; and in the same week, a disastrous battle was fought near Devizes, between the parliamentary favourite, sir William Waller, and lord Wilmot. The lords seized on this critical posture of affairs, to propose a series of articles, as the basis of a treaty. But to speak of negotiation at such a moment, was declared to be pusillanimous, and to the last degree impolitic; and when this declaration was found to have produced a further secession from the upper house, the commons were by no means dismayed. They applied themselves with new vigour to the raising and equipment of troops: a plan was formed for co-operation with the Scots; and the zeal of the citizens was occupied in forming a trench round the capital, a work which, in a few days, was extended to a circle of twelve miles. But Charles shrunk from his meditated attack on the metropolis; and Essex, the parliamentary general, now cast off the reproach of inactivity, by raising the

Death of Hampden.

July 13.

Aug 6.

Spirited conduct of the citizens.

Battle of Newbury. Sep. 20.

"My lord, I have, to the utmost of my soul, prepared to become a worthy receiver; and may I so receive comfort by the blessed sacrament, as I do intend the establishment of the true reformed protestant religion, as it stood in its beauty in the happy days of queen Elizabeth, *without any connivance at popery*. I bless God, that, in the midst of these public distractions, I have still liberty to communicate; and may this sacrament be my damnation, if my heart do not join with my lips in this protestation." Ibid. 346. The reader will presently see that the time came when the lips and the heart of the monarch did not go together on this subject, notwithstanding the solemnity and publicity of this appeal. What his intentions really were while uttering it we cannot know. May's Hist. 184—186.

siege of Gloucester, and by his conduct at the battle of Newbury.*

It was when affairs had reached this point, that two measures were adopted, which are intimately connected with the character and issue of this struggle. Lyttleton, the lord keeper, had restored the great seal to the king, on his retiring to York. But the formality of affixing that seal to writs for the election of members, to commissions for the assizes, and in a word, for all the purposes of executive government, was indispensable. Hence in those districts, where the influence of the parliament prevailed, the greatest disorders were daily accumulating. It was resolved, therefore, to do what Charles, and many of his court, considered as a filling up of the last measure of treason, which was to give existence to a new great seal, that the sign of authority, so sacred in the eyes of the law, might be at the disposal of the two houses. The lords hesitated, but, as usual, were induced, after a little delay, to signify their assent.* Oct. 11.

A new great seal.

The second measure adverted to was of a religious character. The Scots, on the withdrawment of their forces from England, exulted in the issue of their enterprise, as far as it related to the liberties and religion of their own country. But they ceased not to be close observers of the busy changes that were taking place among their

Treaty between the parliament and the Scots.

* Rushworth, V. 264, *et seq.* May's Hist.

† Rushworth, V. 339, *et seq.* May's Hist. 168—190. This writer remarks, that "when the parliament made their new great seal, the people stood at gaze, and many wondered what might be the consequence of so unusual a thing." It was regarded generally as the omen of protracted war. Charles declared all the parties concerned in it guilty of high treason.

CHAP. II. 1643.

neighbours.* The success of the English parliament was intimately connected with the security of what they had themselves obtained; and, what in their view was hardly less important, it was necessary to the extension of that eternal war against prelacy to which they were sworn. But the patriots in England were cautious in soliciting the aid of a people whose services they had found must be so liberally paid for, and whose spirit of interference might greatly disturb their plans of operation. The affair at Brentford had led to a conference with the Scottish commissioners in London, with a view to bring their countrymen into action, but without much effect. As the difficulties of the parliament increased, a more definite overture was made, and a deputation was sent to the estates and kirk of Scotland, consisting of four members of the commons, and two divines, one a presbyterian and the other an independent.† The first pretensions of the Scots were such as could not be listened to, and they were at length induced, chiefly by the perseverance of Vane, to forego the rank of umpires for the more modest relation of allies. But an indispensable condition of their alliance was the

* Baillie, I. 366, 367, 369—371. This writer says about this time, "I saw in all our nation a very good will to the parliament cause."

† Baillie, I. 371. "The jealousy the English have of our nation, much beside all reason, is not well taken. Nevertheless, the report of Fairfax's defeat hath been a spur at last to that parliament, much, as is thought, against the stomachs of many, to send message on message to us, of their commissioners' despatch, my lord Grey, of Wark, from the lords, and two from the commons. They are expected daily. They speak of two ministers also: Mr. Marshall will be welcome; but if Mr. Nye, the head of the independents, be his fellow, we cannot take it well. It is thought that one of Meldrum's instructions is to know what we may expect from them, as to conformity of church-government. If in this he bring no satisfaction to us quickly, it will be a great impediment to their affairs here." 372, 379.

adoption of that mighty instrument of revolution, the solemn league and covenant. This instrument, which wedded its partizans to presbyterianism, and bound them to seek with their utmost effort the overthrow of every ecclesiastical system opposed to it, had been adopted with singular success in Scotland, and its adherents rejoiced aloud in the hope of seeing it no less efficient among the people of this kingdom.

But if the majority in the English parliament, as now constituted, were the disciples of presbyterianism, there was a considerable minority who regarded that polity as liable to nearly every objection urged against prelacy, and who were in consequence the adversaries of both. What this party was deficient in numbers, was in great part supplied by their distinguished talents, and their greater activity. With the English deputation, accordingly, this indispensable condition of fraternal assistance from Scotland, was a point of much difficulty. They were sensible that the worst evils were to be apprehended from an attempt to connect the rigours of the late ecclesiastical jurisdiction with this new scheme of church government. Yet something too nearly resembling this was in the mind of the Scots, whose hatred of sectaries had begun to rival their hatred of the prelates.*

* "The English were for a civil league, we for a religious covenant. When they were brought to in this, and Mr. Henderson had given them a draught of a covenant, we were not likely to agree on the frame; they were, more than we could assent to, *for keeping of a door open in England to independency. Against this we were peremptory.*" Baillie, I. 381. "To that toleration they aim at we cannot consent."—431. The general assembly had not only much to learn on the subject of toleration. It recorded its "regret of the extraordinary multiplying of witches, about thirty being burnt in Fife in a few months." A committee was appointed "to think on that sin, the way to search and cure it." 379. See also 383, 384.

CHAP. II. 1643.

After much manœuvring it was arranged, by the policy of Vane, that certain expressions should be employed, which, at the convenient season, might be made subject to a larger interpretation. The church of England was "to be reformed according to the word of God," which the independents would explain in their own way, and "according to the example of the best reformed churches," which the
Aug. 17. covenanters would assuredly understand as referring to their own kirk.* With a few amendments, chiefly tending to render the terms of this compact still more indefinite, the prepared instrument was adopted by somewhat more than two hundred persons, who then composed the English house of commons, and by about thirty peers, who consti-
Sept. 22. tuted the upper house. This unhappy league is to be attributed entirely to the recent successes of the royalists. It was justly hated by the moderate episcopalians on account of its tendency to widen the distance between the king and his subjects. By the independents, and the sects to which that body began to be a sort of nucleus, it was viewed as the old system in an altered shape, and with a

* Clarendon's Hist. III. 305—308. Rushworth, V. 467—470. Baillie, when speaking of the English commissioners, describes Vane, though an independent, as "one of the gravest and ablest of that nation." 380, 381, 382. This writer appears to have a strong prejudice against Nye, not the less, perhaps, from his being himself employed in an endeavour to write down independency, under the name of Brownism. (367.) "On the sabbath, before noon, in the new church, we heard Mr. Marshall preach with great contentment. But in the afternoon, in the Grey Friars, Mr. Nye did not please. His voice was clamorous: he touched neither in prayer nor preaching the common business. He read much out of his paper book. All his sermon was upon the common head of a spiritual life, wherein he ran out above all our understandings, upon a knowledge of God as God, without the Scriptures, without grace, without Christ. They say he amended it somewhat the next Sabbath." I. 388.

new name. We shall have to notice the intolerant maxims which it served to introduce among the professed advocates of religious freedom. The Scots were to be paid 100,000*l.* as an outfit in raising their troops, and, on bringing twenty-one thousand men to the assistance of their brethren in England, they were to receive the sum of 21,000*l.* per month, beside a remuneration to be determined by circumstances at the close of the war.*

Charles obtains assistance from Ireland.

While the patriots were thus actively employed in effecting a union with Scotland, Charles was not less diligent in seeking assistance from Ireland. The catholics in that kingdom, after the example of their neighbours, had adopted a league and covenant, and had appealed to arms in its defence. They professed to be the steady friends of the monarch, and the determined foes of the intolerant parties who were in arms against him. But they had resolved to secure the free exercise of their religion, and intreated the king to grant them the immunities conceded to his subjects of England and Scotland. Charles hesitated, but complied so far as to prevail on the insurgents to suspend hostilities for twelve months; and this arrangement, which released a portion of the army in that

1643. Sept. 15.

* Clarendon's Hist. III. 274—289. Rushworth, V. 270—281. 487—493. The expression, "according to the Word of God," as employed in this agreement, was explained, before it was subscribed, as meaning, "so far as we do, or shall in our consciences, conceive the same according to the Word of God." Journals, Sep. 1, 2. The merchant adventurers were ordered "to send the covenant to all of their company at home and abroad, and to return the names of such as refused to take it." Whitelocke, 140. This was in the spirit of Laud; but the above clause had done much toward neutralizing the main object of the document. The Scots commissioners complained, but they were too far committed to retreat.

CHAP. II.

kingdom, was followed by supplies of money or provisions to the value of 30,000*l.**

1644. Royalist parliament at Oxford.

The king soon afterwards assembled a kind of parliament at Oxford, consisting of the royalist members who had seceded from the two houses.

Jan. 29.

These persons lost no time in submitting proposals of peace to their former colleagues. But the houses at Westminster became indignant on finding that they were not to be recognised as the parliament

March 2.

of England; and when they refused to negotiate in any other character, Charles taught them to judge as to what their fate would be, should they ever fall within his power, by pronouncing the whole of them, and all who should adhere to them, guilty of high treason.†

The Scots enter England.

The timid and the selfish in the metropolis were never more clamorous for peace than when the Oxford parliament was convened. But the news

Jan. 19.

ere long arrived, that the Scots had crossed the border; and that several Irish regiments, on their way to join the royal standard, had been defeated

Jan. 15.

at Nantwich, by the parliamentary general, sir

25.

Thomas Fairfax. The spirit of the parliament,

March 4.

and of the craven portion of its adherents, was much raised by these events. Similar occurrences contributed to render a further attempt toward negotiation, about three months later, as little effective as those which had preceded it.

* Lingard, X. 230—236. Baillie, I. 393. "The king has granted them peace, oblivion for by-gones, liberty of conscience, and all they desire for time to come. This horrible grant cannot but provoke God and man's indignation." Ibid. II. 22.

† The Oxford parliament consisted of forty-three peers, and one hundred and eighteen commoners; a majority from the upper house, and, perhaps, about half the number remaining in the lower. Rushworth, V. 559—602.

1644.

It was while affairs were in this state that the battle of Marston Moor was fought. The king had previously assured prince Rupert, who commanded the royalists on that day, that the relief of York, and the defeat of the army of Scots and English there opposed to him, were both necessary to the safety of the crown. But victory declared on the side of the parliament, and York, together with the northern counties, was henceforth lost to the king.*

Battle of Marston Moor. July 1.

The hopes of the royalists were much depressed by this event; but an interval of two months was sufficient to revive them. Essex, whose operations in the west were extended to the heart of Cornwall, had allowed himself, by some strange oversight, to be cut off from communication with the capital, and hemmed in by the accumulating force of his opponents. His error was irretrievable: he was indebted to flight for his personal safety; and the army under his command was obliged to capitulate.†

Oversight of Essex, August.

This disaster was succeeded by the second battle of Newbury, a desperate conflict, which was proclaimed by the parliament as a victory, but which, owing to the dissensions that had grown up between the parliamentary officers, was not attended by the decisive results generally expected from it.‡

Second Battle of Newbury. Oct. 27.

In one division of the army, a jealousy, which had long subsisted between the earl of Essex and sir William Waller, had occasioned serious incon-

Jealousies in the army of the parliament.

* Rushworth, V. 632—636. † Ibid, 683, *et seq.*

‡ Clarendon's Hist. IV. 582. Rushworth, V. 715, *et seq.* Baillie, II. 72.

CHAP. 11. 1644.

venience and losses. In another, commanded by the earl of Manchester, formerly lord Kimbolton, there were differences relating to great principles and public measures, which were daily calling forth the most dangerous passions, and threatening the destruction of the great cause in which the several parties were engaged. Manchester had become a favourite with the parliament and the people, from his being the only peer impeached with the five members. He accepted the office of commander with reluctance, and was not insensible to his deficiencies in that capacity. He was moreover a presbyterian, and notwithstanding the general amiableness of his disposition, was prevailed with to favour the intolerant zealots of that sect in both nations.*

Rise of Cromwell.

But the control of this division of the parliament's forces did not rest with Manchester, so much as with the person who was second in command, and that individual was a man who had learnt to affirm, before Scot or Englishman, that all men should be left to a full liberty of conscience in the worship of their Maker. This person was Oliver Cromwell, the near kinsman and sincere disciple of the lamented Hampden. Cromwell's first seat in the legislature was as member for Huntingdon, in the spring of 1640. On the meeting of the long parliament, he was returned for Cambridge. His dress at that time was so plain,

* Intimations of the state of things described in the text occur continually in the first seventy pages of Baillie's second volume. "It is hoped that Middlestone and Beir, Essex and Waller, Massie and Brown, Cromwell and Crawford will lay down their known and great quarrels, to join against the common enemy."—11. 57. "Divisions were shameful and many, and jealousies great of many men."—58. Rushworth, V1. 732—736.

and so little according to the fashion of the age, as to call forth the notice and merriment of certain young courtiers, who had a place in that assembly. But the mirth of these parties became less apparent as they witnessed the impression which this homely stranger could produce on the house by the vigour of his understanding and the energy of his appeals. At the commencement of the war, Cromwell raised a troop of cavalry, consisting exclusively of freeholders, or of the sons of such persons—men who understood the ground of the present quarrel as it respected the constitution, but who were the advocates of religious as much as of civil freedom. Their leader secured their obedience by earning their confidence and attachment; and at the time to which we now refer, he had risen before them to the rank of lieutenant general. *

The protection which Cromwell extended to the independents, had brought many of that sect, and of several others, to his standard, a circumstance that would not fail to provoke the jealousy and resentment of the presbyterians.† To check this new heresy, called liberty of conscience, and to have the movements of a man suspected of being no friend of the Scottish army under closer inspection, the commissioners from the north contrived to place one of their countrymen near his person as major general. The rivalry between this major general Crawford and Cromwell had become

* Whitelocke, 72.

† "The man is a very wise and active head, universally well beloved, as religious and stout; being a known independent, most of the soldiers who loved new ways, put themselves under his command."—Baillie, II. 60, 66.

CHAP. II. 1644.

marked, and had deeply affected their respective partizans, before the battle of Marston Moor. It was said, that on that day the Scots under Crawford were more easily routed than brave men should have been; and the independents did not forget to remind their good brethren of the fact, ascribing the important issue of that encounter to those qualities in their commander which some other parties would have done well to imitate. The colonels of the army insisted that the major should be dismissed; the chaplains, who saw nothing in these reflections but the proofs of Crawford's attachment to their kirk, were loud in his favour, and Manchester, by leaning to their side, roused the displeasure of Cromwell.*

In truth, the situation of Cromwell was at this moment peculiarly critical. He had become an object of jealousy with the Scots, not only from his opinions respecting toleration, but from some contemptuous expressions in which he had indulged concerning them as a people; and it is not less certain that he was regarded with some suspicion both by Essex and Manchester. The peace with which these parties were likely to be satisfied, would be far from affording to Cromwell and his immediate adherents the civil freedom which they

* Baillie, II. 36, 40, 49, 60—62, 66. Baillie is indignant that the courage of his countrymen should be questioned. Yet his more private papers seem to concede something of this kind. He congratulates lord Eglinton on acquitting himself "with so great honour, when so many with cowardice fell in disgrace, worse than death.... Shame hath fallen on particular men when they turned their backs, who were most obliged and most expected to have stood still.... There were three generals on each side, Lesley, Fairfax, and Manchester; Rupert, Newcastle, and King. Within half an hour, and less, all six took them to their heels; this to you alone—the Scots, and Cromwell's horse did dissipate all before them."

sought, and at best it would be attended by the despotism of the presbytery in the place of the despotism of the bishops' court. The manner, however, in which the war had been hitherto conducted, baffled all calculation as to the time of its continuance, or the state of things in which it would terminate. Advantages, instead of being improved, had been allowed to pass away as though something short of necessity would be enough to bring the sovereign to the terms proposed by the parliament. The ardent genius of Cromwell was irritated by this mistaken policy, and there were two points about which he became deeply concerned—the pressing of the war to an issue by more vigorous measures, and the destruction of all ecclesiastical domination. The first was not to be expected, from the dilatory temper of the present commanders; and to the second, the Scotch presbyterians were the great impediment. This scheme, of course, involved the destruction of the Scottish covenant; but that Cromwell meditated any thing further at this time is not proved, nor is it probable.

Secret conference against him.

The enemies of Cromwell, consisting of Essex, Manchester, and the commissioners for Scotland, proceeded so far as to hold a conference with certain lawyers, with a view to institute a prosecution against him as an incendiary. The lawyers declared that the evidence adduced would not be found equal to the charge. A statement was nevertheless submitted to the commons, which accused the lieutenant-general of being an enemy to the peerage, and of having uttered seditious

Accused before commons. Dec. 2.

CHAP. II. 1644.

language respecting the Scots, and as to the conduct that should be pursued towards the king and the parliament. The house transferred the hearing of these disputes to a committee, and, as in one or two similar cases, contrived to avoid committing itself in the quarrel.*

Proposes the self-denying ordinance.

Dec. 9.

Cromwell resolved to keep pace with his antagonists. From his place in the commons, he proposed what has since been well known by the name of the self-denying ordinance. The ordinance so named called upon the members of either house, holding civil or military offices, to resign them. The effect of this measure was to remove Essex and Manchester, a loss to which the Scots became reconciled, as it taught them to anticipate the removal of Cromwell, and at the same time left them the talents of sir Thomas Fairfax and general Skippon.†

April 3.

Becomes an exception to it.

Connected with this change, was the remodelling of the army—a matter which had for some time occupied a committee of both kingdoms. According to the new model, the army was to consist of twenty-two thousand men, the cavalry being as one-third. The members of both houses resigned their commissions, with the exception of a single individual—the very man who had proposed this self-denying regulation. This circumstance is

* Whitelocke, 116, 117. Rushworth, V. 732, *et seq.* Parl. Hist. *ubi supra.* Baillie, II. 76, 77. This writer pleases himself with the hope of seeing the "darling of the sectaries" overpowered, and compelled to relinquish his connexion with the army. Yet he has previously stated: "The independents have so managed their affairs, that of the officers and soldiers in Manchester's army, certainly also in the general's, and, as I hear, in Waller's likewise, more than the two parts are for them, and these of the far most resolute and confident men for the parliament party."—II. 5.

† Rushworth, VI. 3—8, *et seq.* Whitelocke, 33.

alleged by many writers, as a proof of the consummate art with which Cromwell applied himself to remove impediments from the path of his ambition. It is certain, however, that his continuance in office, suspicious as that circumstance may appear, resulted from a succession of occurrences which he could not possibly have foreseen. "Before the day arrived on which the ordinance was to be enforced, Cromwell was sent with Waller to oppose the progress of the royalists in the west; on his return, he was despatched to prevent the junction of the royal cavalry with the forces under the king; and he next received a commission to protect the associated counties. When the term prescribed by the ordinance was nearly closed, Fairfax expressed his unwillingness to part with so experienced an officer in the present state of affairs; and the two houses consented that he should remain forty days longer with the army. Before this interval had expired, the great battle of Naseby was fought, and in respect for the courage and capacity which had contributed so greatly to the fortunes of that day, the ordinance was again suspended in his favour for three months, and ever afterwards this indulgence was renewed, as necessity was thought to require it."*

The parliament army new modelled.

In newly arranging the army, the joint committee had been careful to intrust the most important offices to such persons as had distinguished themselves in the service. The privates were newly disposed of, and as far as they were

* Such is the account of this incident given by Dr. Lingard, X. 303, 304. The ordinance was dispensed with, for a time, in favour of others. See Whitelocke, 140, 146.

CHAP. II. 1645.

influenced by religion at all, were rather of the independent than presbyterian persuasion—men who had become familiar with the soldier's life, who were not altogether ignorant of their strength, and impatient to extort that liberty by the sword, which they despaired of obtaining from any party by a milder process.*

Disunion among the royalists.

The student of history will not be surprised, that the dissensions which called for this new order of things should have existed. The same circumstances have rarely failed to produce them. Differences indeed, equally numerous and threatening, pervaded the court and the camp of the royalists. The correspondence of the age abounds with illustrations of this fact. The men who adhered to the royal standard well knew that, in this respect, they had no stone to cast at their opponents. Prince Rupert was not the only chief whose temper rendered discipline impracticable. The army consisted of voluntary soldiers, and was to be humoured rather than commanded. There were parties who were the advocates of peace, and there were men who never ceased to call for war; and while many contended that the laws of the land should be suspended during civil commotion, others, to their great honour, insisted on an observance of those laws, in all possible cases, even at such a season. Charles frequently exercised his ingenuity to free himself from some troublesome attendants; and it often required his utmost patience to bear with the rest.

* Baillie soon began to complain of "the huge imprudence and rashness of the new model." II. 106.

CHAP. II.

1645.

Such was the state of the king's affairs in the winter of 1645, when the treaty of Uxbridge was entered upon. Division and insubordination were on either hand; the licentiousness of the royalists rendered them, in many instances, a terror even to their friends; it was not a third of the kingdom that acknowledged the authority of the sovereign; and the army at his command was necessarily much reduced in supplying garrisons to the places still retained by him. The parliament in the mean time was employed in giving a new discipline to their troops, and in making every preparation for a more vigorous prosecution of the war.*

Depressed state of the king's affairs.

It will not occasion surprise, therefore, that the claims of the parliamentary commissioners at Uxbridge should be as formidable as they had ever been. The leading articles insisted upon were, the abolition of episcopacy; the substitution of a directory, which had been prepared by an assembly of divines, in the place of the common prayer; and that ever-returning subject, the command of the army and navy. One-and-twenty days were spent in discussion on these points, and nothing was concluded. Episcopacy was made a question of conscience by both parties; the king could not agree to its destruction, and the commissioners of parliament could not agree to its continuance. †

Treaty of Uxbridge. Jan. 30.

Feb 22.

In the spring, Charles left Oxford at the head of

* Baillie, I. 416, 430. "Good men are so scandalized at the horrid impiety of our armies, that they will not believe that God can bless any cause in such hands." Clarendon Papers, II. 189. Hutchinson, II. 93.

† Clarendon, V. 36. Rushworth, V. 841, *et seq.* Whitelocke, 125—128.

CHAP. II.

1645. Battle of Naseby.

ten thousand men—an army more formidable than its numbers will suggest, as more than half were cavalry. Fairfax followed his steps, and, near Harborough, in Leicestershire, came upon the rear-guard of the enemy. This event diffused the utmost joy through the ranks of the parliamentarians. The cavaliers had sneered at the new model, from which so much was expected by the round-heads, calling it the new noddle. The presbyterians had predicted the worst evils from entrusting an important enterprise in so great a measure to sectaries; and some old officers, who had been removed by the late ordinance, professed to see the utmost danger as about to result from substituting rashness for discretion, and fanaticism for experience. These supercilious reflections haunted the imagination of the independents, and their kindred sectaries, and taught them to long for an hour in which they might put their many adversaries to scorn, by some proof of their strength that it would not be easy to gainsay. That hour was now at hand. The victory at Naseby was, beyond controversy, the work of Cromwell and of the men under his command. The royalists never fought

June 14.

with more determined valour, and never experienced so total a defeat. The king lost that day five thousand men, and nine thousand stand of arms, the whole of his artillery and baggage, and, with these, his private cabinet, containing papers which it was of the last importance to have saved from passing into the hands of his enemies.*

* Baillie, II. 95, 98, 106. Rushworth, V. 42. Whitelocke, 145, 146.

The effect of the battle of Naseby on the relative position of the king, the parliament, and the army, was decisive, and soon became manifest. But before proceeding to notice this change, it will be proper to advert to some ecclesiastical transactions relating to the period which has passed under review in this chapter.

CHAP. III.

ECCLESIASTICAL AFFAIRS.

NEW POSITION OF THE CIVIL AND ECCLESIASTICAL AUTHORITIES.—ASSEMBLY OF DIVINES.—ERASTIANS.—THE PRESBYTERIANS—THE INDEPENDENTS—THEIR PRINCIPLES AND CLAIMS.—NEW DIRECTORY.—PERSECUTION OF THE EPISCOPALIANS.—DEATH OF LAUD.

CHAP. III.

1642. New position of the civil and ecclesiastical authorities.

FROM the commencement of the civil war, the greater number of the bishops were under an impeachment, and the jurisdiction of that order was invaded at all points by the reforming spirit of the commons. But the commons could not be ignorant that there must be some limit to their interference in ecclesiastical affairs; and that the clergy who had thrown off the yoke of their episcopalian masters with so much indignation, were not likely to become the passive instruments of the civil power, unless very prudently dealt with. The high church notions with respect to the province of the magistrate which had characterised some of the prelatical ecclesiastics, were not unknown among the presbyterian ministers who were now in ascendancy. It behoved the parliament, therefore, to proceed with caution in reference to that body. And in truth much circumspection was shown on both sides. The majority of the present clergy, in rejecting the old regimen, were

concerned that a secular prelacy should not be substituted in the room of the ecclesiastical. The commons, on the other hand, while removing those spiritual authorities which they had found to be so inimical to general liberty, were concerned that the best measures should be taken to prevent their being succeeded by a new system, which might be found to perpetuate the same evils. It will appear, however, that in this struggle, the balance of authority was to be greatly in favour of the magistrate.

Assembly of divines. June, 1643.

An expedient devised to occupy the time and gratify the pretensions of the clergy, and at the same time to secure the supreme authority of parliament, was the convening of what has since been called the Assembly of Divines at Westminster. The power of that assembly was limited to mere counsel or advice, nor were its members to deliberate on any matter not proposed to them for that purpose by the lords or commons. Their discussions, moreover, on each topic, were not to be made known until concluded, and every conclusion of the synod was to depend for its validity on a sanction from the authority vested in the two houses. It should be added, that the individuals called to a place in this assembly, while selected equally from the different counties, were all indebted for their honour to the nomination of parliament, and not to any suffrage of their brethren. Thus that strict subjection of the spiritual power to the secular, which the commons had been asserting, from the accession of Elizabeth to the fall of the hierarchy, was fully exemplified. This principle of subjection, which had been acted upon

CHAP. III. 1643.

with regard to Laud, in the convocation of 1640—a proceeding often decried as purely tyrannical, was thus rigidly enforced with respect to men who were of another class, and under circumstances which shew, that the importance which the patriots had professed to attach to it, was no mere pretext. The church, whether governed by homely presbyters, or princely bishops, was to be the dependant of the state. The clergy, however, appear to have been beguiled into a compliance, by the appearance of authority which this assembly conferred upon them. The number of divines present was one hundred and twenty, to which an addition was made of ten peers and twenty commoners, and also of other persons, as was deemed expedient by parliament.*

The prevailing sentiment of this body, judging from the result of its deliberations, was strongly calvinistic. On points of church government, the diversity of its opinions accorded more nearly with the state of parties through the nation. Several prelates, and episcopal clergymen, were nominated to assist in its proceedings, but they soon relinquished the doubtful honour of attending. The presbyterians formed the great majority, and found their chief difficulty in contending with a small body of returned exiles, who had embraced the principles of the independents, and whose friends in parliament had important reasons for securing them a place in this arena of theological warfare.

Erastians.

These were aided considerably by the Erastian party, who derived their chief support from the

* Rushworth, V. 337—339. Baillie, I. 398—402.

lawyers, especially Selden and Whitelocke. This party would not only have deprived the church of all secular jurisdiction, but would have stripped it of every sort of rule in its proceedings, except what should be supplied by the civil power, protesting particularly against all church censures, and against any exclusion from church privileges, except by a law of the magistrate.*

In judging of this assembly, it will be proper to bear in mind, that though the majority of its members were presbyterians, they were not what all persons of that denomination have long been in this country—dissenters. They were the children of Oxford and Cambridge, and had long possessed lectureships or livings within the pale of the established church. Since the restoration the institutions of this country have been nearly all converted into the means of inducing a preference of the principles of episcopalianism, and the learning possessed by the nonconformists has been obtained by them under every disadvantage, and when most efficiently applied, can hardly be said to have been stimulated by the prospect of emolument or honour. These belong to the hierarchy and to our seats of learning. It was not the lot of the men consti-

* Baillie, I. 420. In April, 1645, this writer observes, "The most of the house of commons are downright Erastians; they are likely to create us more woe than all the sectaries of England. ... This man (Selden) is the head of the Erastians: his glory is most in Jewish learning; he avows every where that the Jewish church and state were all one, and so in England it must be, the parliament is the church." II. 96. "If L'Emperour would beat down that man's arrogance, as he very well can, to shew, out of the rabbins, that the Jewish state was diverse from the church, and that they held the censure of excommunication among them, and a double sanhedrim, one civil, another ecclesiastical; if he would confound him with Hebrew testimonies, it would lay Selden's vanity, who is very insolent for his oriental literature."—107. Neal, III. 116, 117, 236, 242. Whitelocke, 163, 164.

CHAP. III. 1643.

tuting the Westminster assembly to depend on that love of truth, and that love of learning for its own sake, to which the protestant dissenters of this kingdom are mainly indebted for their acquirements. Not that the members of this assembly were without a generous attachment to learning, or to truth, religious and political.*

The presbyterians.

We may consider the errors of the presbyterian party, in that age, as by no means trivial, and we may still believe, with one who knew not how to flatter, that they were men eminent for learning, sobriety, and piety; that as pastors they "went through the work of the ministry in diligent serious preaching to the people, and edifying men's souls, and keeping up religion in the land." But the same writer remarks, "I disliked the course of some of the more rigid of them, who drew too near the way of prelacy by grasping at a kind of secular power, not using it themselves, but binding the magistrate to confiscate or imprison men, merely because they were excommunicated; and so corrupting the true discipline of the church, and turning the communion of saints into the communion of the multitude, who must keep in the church against their wills, for fear of being undone in the world. Whereas a man, whose conscience cannot

* Clarendon affirms of this assembly, that "some of them were infamous in their lives and conversations, and most of them of very mean parts in learning, if not of scandalous ignorance; and of no other reputation than of malice to the church of England." Mr. Hallam, however, thinks that it would not suffer by comparison with any lower house of convocation. It is not easy to conceive the motive that should induce the parliament to select men who could bring little weight of character with them. The credit of their party required an opposite line of policy. Milton, who praised the assembly, until it questioned his work on "Divorce," disgraced himself by abusing it afterwards. See Orme's Life of Baxter, I. 88, 89.

feel a just excommunication, unless it be backed with confiscation or imprisonment, is no fitter to be a member of a christian church, than a corpse is to be a member of a corporation. I disliked also some of the presbyterians, that they were not tender enough to dissenting brethren, but too much against liberty, as others were too much for it, and thought by votes and numbers to do that which love and reason should have done."*

The Independents.

It should be remembered, that Baxter, though inclined to the Presbyterians, was not a member of the Westminster assembly. The dissenting brethren to whom he adverts, as too much concerned for liberty, were the independents. "These," observes Dr. Lingard, "were few, and could only compensate the paucity of their numbers, by the energy and talents of their leaders. They never exceeded a dozen in the assembly, but these were veteran disputants — eager, fearless, and persevering, whose attachment to their favourite doctrines had been rivetted by persecution and exile, and who had not escaped from the intolerance of one church, to submit tamely to the control of another."† Clarendon confirms this statement, when he says, "the independents were more learned and rational than the presbyterians, and though they had not so great congregations of the common people, yet they infected and were followed by the most substantial and wealthy citizens, as well as by others of better condition." And even Baillie, the delegated guardian of presbyterianism, remarks of them, "Truly they speak much, and

* Baxter's Life, Part I. 140—143. † Lingard, Hist. X. 274.

CHAP. III. 1643.

exceedingly well—if the cause were good, the men have plenty of learning, wit, eloquence, and above all, boldness and stiffness, to make it out."* Baxter also, though rarely so much prejudiced as when touching upon sectaries, observes of this body, that "most of them were zealous, and very many learned, discreet, and godly men, fit to be serviceable in the church." He saw also, "a commendable care of serious holiness, and discipline, in most of the independent churches."†

The presbyterians, it will be remembered, though opposed to a gradation in ecclesiastical offices, insisted on the establishment of gradations in ecclesiastical authority. They proscribed the government of the church by bishops, deans, and archdeacons; but they contended for its government by means of presbyteries, classes, and synods. The subjection of a national church to one man, as a primate, was condemned as the fashion of Antichrist; while its subjection to a single tribunal, called a general assembly, was affirmed to be a divine institution.

Their principles and claims.

In the view of the independents, this scheme was scarcely more favourable to liberty, than the one to which it was thought to be so much opposed, especially if its spiritual censures were to be enforced by civil penalties. They laboured therefore to show, both from scripture and antiquity, that every christian church should be possessed of all the freedom of a separate republic. It had not indeed power to make laws, but it had power to declare for itself what the law is as

* Letters, 1. 436. † Baxter's Life, *ubi supra.*

contained in the New Testament—the statute-book of the Redeemer's kingdom. This independence of all foreign authority, whether civil or ecclesiastical, was claimed as the spiritual birthright of every congregation of faithful men, and was that claim which procured to the men who asserted it, the name of independents. The toleration which they sought for themselves, they were bound by their principles to extend to others.* They could agree with their opponents in depriving the national worship of the superstitious pomp that had been connected with it, but no influence, no strength of opposition, could induce them to abandon the ground which they had taken, as the advocates of religious liberty. Weeks passed, and months

* Baillie denounces this "liberty of conscience for all sects" as most "pernicious," observing that its advocates would extend it even to "Turks, Jews, and papists," and that to many "this way is very pleasant."—II. 14, 15. The covenanter was careful to remind the congregationalists that their brethren in New England were more severe than any presbytery in suppressing heresy by the power of the magistrate.—4, 17. The reply was very simple, and obliged the writer to observe, "The independents here, finding they have not the magistrate so obsequious as in New England, turn their pens, as you will see, to take from the magistrate all power of taking any coercive order with the vilest heretics—avowing that, by God's command, the magistrate is discharged to put the least discourtesy on any man, Jew, Turk, Papist, Socinian, or whatever, for his religion."—18. "We hope if once we had peace, by God's help, with the spirit of meekness mixed with a little justice, to get the most of these erroneous spirits reduced."—24. "The independents have set up a number of private congregations in the city." (June 1644.)—26. "We hope God will provide remedies for that evil, independency, the mother and true fountain of the church's distractions here."—47. "As yet their pride continues, but we are hopeful the parliament will not own their way so much as to tolerate it, if once they found themselves masters."—49.

In a summary of the tenets distinguishing the independents, the same writer observes, "They profess to regard as nothing at all what all the reformed or all the world say, if their sayings be not backed with convincing scriptures or reason. All human testimonies they declaim against, as a popish argument." This opponent, however, made a multitude of efforts to get the Reformed churches to "declare against them."—85.

CHAP. III. 1643.

passed, in discussions on this point, and they were still in the field amid the fiercer onsets of their antagonists, loud complaints from Scotland, and frequent admonitions from the parliament. Their adversaries at length resolved, that the obstinacy which their reasoning had failed to subdue, should be controlled by force. The weaker party now insisted, that whatever the established religion might be, it should not be without its exceptions in favour of tender consciences. If the state must provide for presbyterianism, let it at least concede to the independents the small immunity of providing for themselves. This proposal gave existence to a committee, consisting of deputations from the assembly, the Scottish commissioners, and both houses of parliament, in whose hands the question became subject to new difficulties and delays, until the new modelling of the army was completed, and the battle of Naseby was fought. By that day's achievement, the independents were placed in a position which rendered it dangerous to publish a refusal of their equitable claims.*

New directory. Nov. 1. 1644.

The assembly, however, agreed to a new directory of worship, which was approved by parliament, and substituted in the room of the prayer-book in the churches of England and Scotland. It consisted chiefly of instructions respecting the several parts of divine worship, the ceremony of marriage, visiting the sick, and the service at funerals. The performance of these duties it left in a great degree to the judgment of the officiating minister, merely

* Baillie, II. 57, 61, 63.

supplying him with a sort of outline for his guidance. * CHAP. III.

1644. Persecutions of the episcopalians.

While the new directory was preparing, other changes were taking place which prevented its appearance from being a matter of surprise. We have seen that part of the price to be paid by the parliament for the assistance of their Scottish brethren, consisted in adopting the solemn league and covenant. This oath, which was meant to bind its partizans in a relentless hostility to the English hierarchy, was taken with some reservations by the two houses, and appears to have been enforced very considerably on the clergy. Many of the episcopalians were deprived of their livings on the charge of being scandalous ministers, and not unjustly. But men whose only sin was in refusing this covenant, were called "malignants;" and on the plea of the malignancy thus manifested with respect to the gospel and the parliament, such persons appear to have been, in some instances, expelled, to make room for others more conformable to the new standard of orthodoxy. The offence of these sufferers consisted frequently in their conscientiousness, and they deserve a place among the confessors of the seventeenth century, no less than the puritans, who for the same kind of fault had been made to endure the same evils.†

* Baillie, II. 71. On this subject Baillie thus deliverd himself to the general assembly of Scotland: "That in place of episcopacy, a Scotch presbytery should be concluded in an English assembly, and ordained in an English parliament, as it is already ordained in the house of commons; that the practice of the church of Scotland, set down in a most wholesome, pious, and prudent directory, should come in the place of a liturgy in all the three dominions; such stories lately told would have been counted fancies, dreams, mere impossibilities."—II. 87.

† Baillie assures his friends, about this time, that the wickedness of this

CHAP. III.

1643. Death of Laud.

These evils had reached their height, under the primacy of Laud; and the punishment of that ecclesiastical sovereign was to be as signal as his delinquency. Through more than twelve months from his commitment to the Tower, his name was scarcely mentioned. But soon after that interval, an incident occurred which exposed him anew to the resentment of his enemies. The lords re-

Feb. 3. quested him to confirm their nomination of a person to a vacant benefice in his gift; but the king, in one of his moments of imprudence, forbade compliance. The archbishop hesitated, the peers became indignant, and called on the com-

April 21. mons to prosecute their impeachment without delay. This message was listened to with eager-

party "is in nothing relented; their sermons and pamphlets breathe nothing but the old ways of error, superstition, episcopacy, absolute monarchy, to which in no case resistance by any may be made; in none of them any appearance of remorse for any thing past."—Letters, I. 448.

The great body of those who were expelled, under the general charge of malignancy, were of a character to justify this description. In White's First Century of Scandalous Ministers, eighty were convicted, by many witnesses, of gross immoralities, beside their diaffection to the parliament. Dr. Walker, in his Sufferings of the Clergy, has endeavoured to lessen this number of delinquents, but it is not above seven or eight that are at all the better for his labours. Fuller states that the offences of some of these men were so disgraceful as not to bear repeating, "crying to heaven for justice." Baxter writes, "In all the countries where I was acquainted, six to one, at least, if not many more, that were sequestered by the committees, were, by the oaths of witnesses, proved insufficient or scandalous, or especially guilty of drunkenness and swearing. This I know will displease the party, but I am sure that this is true." It may, however, be no less true, as added by Fuller, that of this small minority there were some who were convicted "for delivering doctrines that were disputable, and others only for their loyalty." These were the injured men.—See Neal, III. 27—32. Fuller's Hist. XI. 207. Baxter's Life, p. 74. These observations refer to the proceedings of the two committees, the one for "scandalous," and the other for "plundered" ministers. The latter was instituted on behalf of such clergymen as had been spoiled by the royalists, on account of their attachment to the parliament, and the two were soon united. Neal, who has shown that the test of the Scotch covenant was far from being generally applied, justly condemns the use of it in any instance.—II. 68.

ness by the Scots, and the presbyterians generally, and especially by Prynne, whose sufferings under the barbarous rule of the primate had been so merciless and revolting. Men there must have been at Westminster, who deprecated this proceeding as unnecessary and impolitic, if not as unjust. Laud, from being one of the most troublesome men in the kingdom, had suddenly fallen to be one of the most insignificant. But, at this moment, no man could have served him, whose own character was not of the utmost weight with the parliament and the nation. It would be pleasing to find him rescued by the interposition of such persons from enduring any portion of that injustice which he had been so reckless in inflicting. But such magnanimity was not to be shown on his behalf—the feeble hesitation of the judges, and of some in the upper house, does not deserve that name.

March 12. The substance of the charges preferred against the archbishop was, that he had endeavoured to subvert the rights of parliament, and to abolish the laws and change the religion of the kingdom. The lords admitted that this much had been proved, but doubted its amounting to treason. The commons, in a conference, argued that, beside the treason against the king, which the statute law had defined, and of which the courts of law took cognizance, there was a treason against the state, determined by the common law, and of which the court of parliament was the sole judge. On this ground a bill of attainder was introduced, declaring the charges proved against the primate to be treason.

CHAP. III. 1645.

After some difficulty this bill passed the lords, and about a week later Laud ended his restless career on a scaffold.

This deed, under every view of it, reflects deeply on the character of the long parliament. It was, in several respects, a wider departure from the usual forms of proceeding in such cases than the trial of Strafford, and wholly without the plea of necessity, which extenuated, if it did not justify, the sentence passed on that offender. The greatest punishment that could have been inflicted on the archbishop and his admirers, would have been to have left him to his own insignificance. In the altered state of things around him, he must have been quite innoxious. To proceed against him as a traitor, was to raise him to the dignity of a confessor and to the crown of martyrdom.*

* See his History written by Himself; and Canterbury's Doom by Prynne, *ubi supra*. Rushworth, V. 772, 780. Parl. Hist. III. 196, 323—326. Lingard, X. 278—284.

CHAP. IV.

FROM THE BATTLE OF NASEBY TO THE FALL OF THE MONARCHY.

STATE OF THE KING'S AFFAIRS ON HIS RETURN TO OXFORD.—DIFFICULTIES ARISING FROM HIS INSINCERITY.—DISCLOSURES OF IT IN HIS LETTERS TAKEN AT NASEBY.—HIS COMMISSION TO GLAMORGAN.—SURRENDERS HIMSELF TO THE SCOTS.—PROCEEDINGS IN PARLIAMENT WITH REGARD TO THE ARMY.—DEMANDS OF THAT BODY.—IMPOLITIC CONDUCT OF THE COMMONS.—THE KING IN THE HANDS OF THE ARMY.—HOSTILE MOVEMENTS IN THE CAPITAL.—MILITARY ASCENDANCY.—CONDUCT OF THE ARMY TOWARD THE KING—ITS PLAN FOR THE SETTLEMENT OF THE NATION.—CHARLES REJECTS IT.—HIS REMOVAL TO HAMPTON COURT.—HIS INTRIGUES WITH THE SCOTS AND THE ROYALISTS DETECTED.—ALTERED CONDUCT OF CROMWELL.—STATE OF THE ARMY AT THIS CRISIS.—THE LEVELLERS—THEIR MUTINOUS CONDUCT CHECKED.—CHARLES ESCAPES TO THE ISLE OF WIGHT.—TREATY OF NEWPORT.—SPREAD OF A REVOLUTIONARY FEELING.—PARTIES CHARGEABLE WITH THE KING'S DEATH.

CHAP. IV.

1645. State of the king's affairs on his return to Oxford.

THE battle of Naseby annihilated the hopes of the royalists. To restore the monarchy by the sword was no longer regarded as possible. Instances of resistance still occurred, but they had more respect to private interests than to those of the sovereign. Charles alone spoke of the probability of a favourable change; and his anticipations, if they were really indulged, proceeded more from a reliance on some almost miraculous interposition of providence, than from any rational estimate of his affairs. Every day brought fresh news of the defeat or defection of his friends;

CHAP. IV.

1645. Aug. 28. and having avoided the enemy by the rapidity of his movements, during several months, he returned, with the remnant of his army, to seek his winter quarters in Oxford.*

Nov. 5.

Difficulties arising from his insincerity.

It has been remarked, that until the defeat at Naseby, "a brave and prudent man, in the condition of Charles the first, had no other alternative than a vigorous prosecution of the war."† But it should be added, that the condition of the king, long before that day, was one in which no prudent man, and still less an ingenuous one, could have been placed. All parties opposed to the monarch had possessed, through a considerable period, the most solid reasons for distrusting him; and those near his person, who had not been his advisers in the occasions of his double-dealing, were generally aware of his weakness on that point. Few words were of more frequent occurrence in the conver-

* Clarendon, V. 183—303, 336, 337. After the battle of Naseby, the Scots became so fearful of the power of the independents as to be exceedingly anxious that a treaty should be concluded with the king. "Some fear the king's obstinacy; others wish it to increase; but the best and the most here think it exceeding necessary to essay if we can have peace. If the Lord harden his heart that our offers be refused, one other stroke may break his party without recovery. But when that is done, and we freed from all fears of them, we see a new sea of troubles wherein we must enter." Baillie, II. 144, 145. July 15, 1645. The presbyterian writes a few days previously; "We hope shortly to get the independents put to it to declare themselves either to be for the rest of the sectaries or against them. If they declare against them, they will be but a small inconsiderable company; if for them, all honest men will cry out upon them for separating from all the reformed churches, to join with the anabaptists and libertines."—142. The independents were not greatly perplexed by this formidable dilemma. See also, 146, 147, 169. The covenanter was still very far from regretting that the sword had been unsheathed. "Daily more and more it appears to the world, that the design of the misled court was, and is, by all means out of hell, to fasten the yoke of tyranny on the necks of our bodies and souls, for our times, and the days of our posterity."—148.

† Hallam, II. *ubi supra.*

sation and public correspondence of Charles the first, than those of honour and conscience; but it is plain, that few things were of less consideration with him, when negotiating with a view to save what his honour and conscience are said to have told him it was proper to preserve. In declaring it to be his conscientious duty to preserve episcopacy, and what were called the rights of his crown, he was probably sincere. But, unhappily, this conscientiousness was of so poor a texture, that it could allow him to seek the advancement of a religious object by immoral means, and to deem himself honourably employed, in attempting to secure his kingly power from infringement, though at the cost of integrity. There is much allowance, doubtless, to be made, for the difficult circumstances of this unhappy prince; but we have been obliged to advert again to this painful subject, as there is an intimate connexion between his melancholy end, and some further detections of his insincerity.*

* Clarendon insists that a casuistry of the sort referred to belonged equally to the English independents and the Scots presbyterians, the chief difference between these being, that while the former generally selected means which conduced to their object, whether good or bad, the latter frequently plotted so as to injure themselves as much as their enemies. Contrasts of this nature, when applied to bodies of men, and through a considerable interval, must be subject to much modification. But allowing the charge of dissimulation to be applicable, more or less, to all parties, I am at a loss to conceive where this evil existed so as to exclude the hope of a settled peace, except in the case of the monarch. When a people have drawn the sword against their prince, one of two things is indispensable to the return of tranquillity—an abridgment of the power of the prince, so as to render it necessarily harmless, or the strongest confidence in his good faith. That any such confidence should be placed in Charles the first was impossible. Hence the alternative so painful to him was one which the common sense of his opponents could never allow them to overlook.—Clarendon, V. 542—552.

CHAP. IV.

1645. Disclosures of it in his letters taken at Naseby.

In the negotiations between the king and the parliament, before the battle of Naseby, Charles had felt little difficulty in promising a continuance of that assembly to almost any period. The great points were, the preservation of episcopacy, and the command of the forces. A few months also before the defeat adverted to, the king had uttered a solemn protest, on taking the sacrament at Oxford, binding himself to maintain the protestantism of the established church, and that without any connivance at popery. But among his majesty's private letters, which fell into the hands of his enemies at Naseby, were several, containing intimations of plans and hopes, that agreed but indifferently with these grave promises and protests. Several of these letters were addressed to the queen, and proved what had all along been asserted as to her irreconcileable hatred of the liberties and religion of the kingdom, and as to the pernicious authority exercised by her with regard to her husband. As a matter of gratification, Charles assured her, that should the campaign of 1645 terminate in a peace, he should not forget to put "a short period to this perpetual parliament;" and, in another instance, empowered her to promise the English catholics an entire rescinding of the laws against them, as soon as they should, by their assistance, enable him to effect it.*

* The publication of these letters was reprobated by the royalists in the strongest terms. Their contents afford a sufficient vindication of what was done. That they were not *all* printed is a more plausible ground of censure, though to have done so with documents having no connection with public affairs, would, no doubt, have been to incur reproach in another way. Charles contended that some of the suppressed pieces would have rendered several obscure passages in the printed collection less objectionable. All

The king must have known, that a speedy dissolution of the existing parliament could only be accomplished by force; and as an assembly of that description, willing to rescind the laws against catholics, could not possibly have been convened, that important measure also, if effected at all, must have been secured by the same means. Charles hoped to recover his power in the summer of 1645, and in this manner he meant to employ it. The force which should dissolve the parliament, and bestow a full toleration on the catholics, would have found no great difficulty in disposing of the patriots. These letters were read by Cromwell and the officers; they were then transmitted to the parliament; and were afterwards printed, by order of both houses, and circulated through the kingdom. If the slaughter at Naseby had not been sufficient to break the power of the royalists, this disclosure could hardly have failed to accomplish it.

The king's intentions with regard to the parliament do not admit of comment. With respect to the catholics, it may be said, that though such hopes were held out to them, it was never meant that they should be realized. But what does this interpretation suggest as to the royal conscience and honour?*

that were published he admitted to be genuine.—Baillie, II. 130, 136, 137. Clarendon, 183, and Papers, II. 187. Evelyn's Memoirs (App.), 101.

* King's Cabinet Opened, p. 7. Henrietta was displeased that Charles should have called the houses at Westminster a parliament, to which he thus replies: "As to my calling them at London a parliament, I shall refer thee to Digby for particular satisfaction; this in general—if there had been but two beside myself of my opinion, I had not done it, and the argument that prevailed with me was, *that the calling them did by no means acknowledge them*

CHAP. IV.

1645. Commission of Glamorgan.

This policy, censurable as it may be, was no doubt at the bottom of another intrigue, which referred to the catholics of Ireland, and came to light at this juncture. From the beginning of these troubles, Charles had anticipated important aid from that kingdom. But the terms insisted on by the Irish insurgents, included the legal establishment of their religion. To have conceded this, would have been to provoke a disaffection in England, more formidable than any assistance that could be obtained from Ireland. It was agreed, therefore, between Charles and the Earl of Glamorgan, that the latter should proceed to Ireland;

March 12. and, with documents for the purpose, should be empowered to form a private treaty, conceding to the catholics the whole of their claims, with the proviso that the grant should be secret until the king should be in circumstances to acknowledge it with safety. These instruments pledged the king to every thing concluded by Glamorgan, even though contrary to law, and included letters to the pontiff, and to a nuncio of the holy see then resident in that island. These terms were accepted, and the insurgents agreed to supply the

Aug 25. monarch with ten thousand men and a considerable grant of money.

to be a parliament, upon which condition and construction I did it, and no otherwise."—Ibid. p. 4. "A world of things there under the king's hand, to increase his disgrace. Many foul things are found, which cannot but much increase our distrust, which before was great enough."—Baillie, II. 133, 134. "When you see the king's writs (letters), you will believe your own eyes, that our hopes of peace, by any treaty, can be but small, so long as the king has any army."—142. And when the king ceased to have an army, he writes, "The truth is, his secret letters about the last treaty, makes them trust him no more, and resolve to treat no more at all with him."—173. (December, 1646.)

CHAP. IV. 1646.

But this scheme, which was nearly completed without coming to the knowledge of either council or parliament in Ireland, was discovered by accident, and a copy of the papers relating to it passed into the hands of the commissioners of the two nations in London, who laid them before the houses at Westminster. The feeling of indignation which this discovery created was of the most violent description, and extended rapidly through the kingdom. Charles had sworn openly and solemnly that his power should be employed to the utmost for the preservation of protestantism and the destruction of popery, and at the same time was secretly providing for the re-establishment of the obnoxious system through a large part of his dominions. The monarch became alarmed, and, in a letter to the parliament, affirmed that his Jan. 29. commission to Glamorgan was simply to raise men for his service. That nobleman had been thrown into prison by the council in Dublin on suspicion of treason, but had soon obtained his enlargement on the ground of other papers which he produced from the king. He was no sooner liberated than his communications with the deputies of the insurgents were renewed, and he succeeded in conducting five thousand men to the neighbourhood of Cork, on their way to join the royal standard. It was soon evident also that his conduct had not lessened his favour with the king or with the royal family. Much has been written on this subject by the friends and the enemies of the monarch ;but, from the documents possessed at the time, and from others since brought to light, it is clear that

CHAP. IV. 1646.

Charles considered the season in which he might with safety acknowledge his part in this affair as not yet arrived; and his easy casuistry assured him that the whole might be met in honour and conscience by a broad denial.*

Charles surrenders himself to the Scots.

The king now made several attempts to negotiate with the parliament, the Scots, and the independents, but with little effect; and, on learning that Oxford was about to be besieged by the army under Fairfax, he fled in disguise to Newark,

May 5. the quarters of the Scottish army.† This event

* Clarendon's State Papers, II. 237. Birch's Inquiry. Sloane MSS. 4161. Lingard, X. 319—325, 330—333, and Note B. We may believe that Charles never meant to do for Ireland what this commission pledged him to, but this affects the deceived only, not the deceiver. This discovery, and others of a similar nature, made about this time, produced the most unfavourable impressions as to the king. "Many good men were sorry," says May, "that the king's actions agreed no better with his words; that he openly protested before God, with horrid imprecations, that he endeavoured nothing so much as the preservation of the protestant religion, and rooting out of popery; yet, in the mean time, underhand, he promised to the Irish rebels, an abrogation of the laws against them, which was contrary to his late expressed promises in these words, 'I will never abrogate the laws against papists.' And again he said, 'I abhor to think of bringing foreign soldiers into the kingdom,' and yet he solicited the duke of Lorrain, the French, the Danes, and the very Irish for assistance."—Breviate in Maseres' Tracts. See also Baillie, II. 144. Charles had sent repeated messages from Oxford, soliciting a treaty, before the discovery of his intrigue through Glamorgan. Baillie's remark on this detection is, "We fear this shall undo the king for ever, that no repentance shall ever obtain a pardon of this act from his parliaments."—185, 186. Rushworth, VI. 239, 240.

† Baillie, speaking of the parliament in October, says, "For this long time they have not trusted us, but have had their secret fear of our concluding with the king;" and from his own account of the manner in which the leaders of the Scottish army had chosen to occupy themselves, this jealousy was not unreasonable. He complains also of "the prevailing party," as labouring for a universal freedom in religious things, and as having "an utter dislike" of the Scottish nation for opposing it.—II. 162, 163, 166. His great concern to the last is to see a "suppressing of all sects, without any toleration."—184, 188. The king's surrender of himself to the Scots was not a sudden movement. In the preceding January, Baillie writes, "that which vexes us worst of all, is a report that is whispered of the king's purpose to go to our army."—188, 191. About three weeks before he did so,

gave rise to some sharp disputes between the houses at Westminster and the Scotch commissioners as to the disposal of the royal person, which ended in the king's being surrendered by the army and the parliament of Scotland to the parliament of England. It happened, however, that the sum of 300,000*l.* was at this time due to the Scots, and that sum, soon after the sovereign was placed in the hands of his English subjects, was faithfully paid. This coincidence bore the appearance of cause and effect, and the royalists did not hesitate to speak of the whole transaction as worthy of another Judas. The discussions, however, which took place relative to the disposal of the king's person, had threatened a rupture between the two nations, rendering it hardly doubtful that something more to be dreaded than a withholding of arrears would follow, should the parliament find their allies determined to retain their captive. We have no means to decide how far the waning loyalty of the Scots, in this instance, was the result of the odious policy imputed to them. We may conclude that the charge had much more connexion with the resentment or mortified pride of its authors than with their reason. There were causes which called for a speedy departure of the Scottish army; and to

Dec. 16.

the commons "appointed a committee to secure the king's person, if he should come to London."—198. Only two days previously, Baillie writes, "The common word is, that they will have the king prisoner—they have belayed all the ways out of Oxford till Cromwell come, and take him up;" and to the evening before his escape, treats the reported intentions of the monarch as a fiction of the anti-presbyterian party.—201, 203. Mrs. Hutchinson remarks that the king's flight bespoke a preference with respect to the two nations, that was not well taken by many in England.

CHAP. IV. 1647.

have taken the king with them would not have conduced to his interests or their own. So long as they continued in the kingdom, nothing could be done toward disbanding the force under Cromwell and Fairfax, and that had become a measure of imperious necessity to the adherents of the covenant in both nations.*

Proceedings of parliament with regard to the army.

Some months passed, and no attempt was made toward negotiating with the king, so much occupied were the presbyterians in devising expedients to effect a speedy reduction of the army. It was at length resolved that eleven regiments should be

February.

despatched to serve against the rebels in Ireland, and that the remainder should be so far disbanded, that no greater force should be retained than would be strictly necessary to supply the garrisons, and preserve the peace of the kingdom. The sole object of this measure was said to be the benefit of the community, which demanded the removal of all needless burdens. But its real design became manifest when it was further resolved, that no military commission should be held by any member of the lower house, nor by any person dissenting from the presbyterian form of church government, or refusing the oath of the league and covenant.

* Clarendon, V. 393—395, 419, 421. For some time before the battle of Naseby, the Scotch army had contrived to render themselves singularly useless. Baillie is constantly deploring their inertness, and the contempt to which it exposed them. "The leaders of the people seem to be inclined to have no shadow of a king (March 31, 1646); to have liberty for all religions; to have but a lame Erastian presbytery; to be so injurious to us, as to chase us home with the sword."—II. 198. It is well known, that during the king's stay with the Scots, there was a formal discussion on the question of episcopacy between him and Henderson. The royalists not only give the sovereign the victory, but attribute the death of Henderson, which followed soon after, to mortification. Baillie makes repeated mention of Henderson's declining health sometime previously.—II. 139, 140.

Resolutions to this effect were carried, but not without opposition from large minorities, and minorities including a great preponderance of talent.

The only associated friends of toleration, out of parliament, were in the assembly of divines, and in the army. We have seen the manner in which the advocates of that doctrine were overpowered in the meeting of the clergy; they were now outvoted in the commons. This course of events admonished the soldiers who adhered to the better cause, that the time had arrived in which it behoved them to choose whether to submit to one yoke in the place of another, or to deal with presbyterian intolerance as they had dealt with that which preceded it. They were not long in deciding. The army was now in the neighbourhood of Nottingham; by the influence of the independents it was forthwith removed to the county of Essex.*

Demands of the army.

At Westminster, this advance toward the capital was interpreted as a threat, and called forth some strong expressions of censure. When the parliamentary commissioners appeared at the quarters of the army, a petition was prepared and presented to them, bearing the signatures of several

* Rushworth, VI. 322—326, 390—398. The house generally reckoned three hundred, the majority being frequently not more, sometimes less than ten.—Whitelocke, 232, 240, 241. Parl. Hist. III. 463, 513—521, 529—551. Baillie, speaking of the proposed ordinance respecting the New Directory, observes, "For preachers, or writers, or publishers, against it, were they dukes and peers, their third fault is the loss of all their goods, and perpetual imprisonment."—II. 102. He had little hope, however, that any regulation of this sort would be adopted by the parliament, unless compelled to it by the city, which he flattered himself for a time would be irresistible. A petition from the mayor, aldermen, &c. &c. was presented to the lords (May 26) on this subject, which was about as intolerant as this sturdy covenanter could desire. Parl. Hist. III. 474—479. Journals of Commons, Feb. 15—27. March 1—6. Whitelocke, 239.

CHAP. IV. 1647.

regiments. The prayer of the petitioners was, to be protected from lawsuits on the ground of any thing in their conduct during the war; to be paid their arrears, the amount due to the infantry being for more than four months, and to the cavalry for more than double that period; and that suitable provision should be made for the widows and children of the men who had perished in protecting the liberties of their country. In the commons this appeal led to the passing of a resolution which branded its authors as "enemies to the state, and disturbers of the public peace." But this kind of language was not the best weapon to be employed against such opponents. Two associations were now formed; the one consisting of officers, the other of deputies from each company: the deputies collected the sentiments of their brethren, and the deliberation of the two bodies rendered the proceedings of the army more formidable than they had ever been, by rendering its dissatisfied feeling more general, and the expression of it more orderly.

March 30.

April 27.

On another proposal from the parliament, to disband certain regiments, paying them a small part only of their arrears, a petition was presented, signed by many of the officers, containing an able vindication of the remonstrance which had called forth such harsh reflections in the house. It also condemned the principle which told them that they had forfeited their place as citizens by becoming soldiers, though done to protect the rights which had pertained to them as such. Their present petition, however, merely regarded their grievances

as soldiers, and was drawn up from an impression, that if not heard on that subject now, it would be vain to expect a hearing when disbanded. A letter in much stronger language, and breathing a spirit more hostile to the authority of parliament, was at the same time presented to the commander-in-chief and the council of officers, by the association of adjutators, or, as they were afterwards called, agitators.* May 8.

Impolitic conduct of the commons.

It was now promised that the indemnity solicited should be conferred; but nothing was said as to the widows and children of the fallen, and it was still a part only of the arrears that would be paid. There was nothing in the conduct of Charles, in the most imprudent moments of his history, more indicative of weakness than the manner of proceeding thus obstinately followed by these half-sighted sectaries. Their great objects should assuredly have been to deprive the army of all just cause of complaint. To have accomplished this, scarcely any price should have been regarded as too great; but instead of this, the most trivial considerations are allowed to add to the pressing difficulty of their circumstances, and to the formidable advantages of the body opposed to them. If they could not be tolerant they might at least have been honest; but as though the many perplexities connected with the point of toleration would not be sufficient, they appear concerned to add others to them

* Ludlow, I. 164. Fairfax states that the first time he noticed the parties called agitators was at Nottingham, in February of this year (1647), "by the soldiers meeting to frame a petition to parliament about their arrears."—Somers' Tracts, V. 392. The altered designation represented these persons as *disturbers* instead of *assistants*—a change which was too soon observable.

CHAP. IV. 1647.

which were still more threatening, and for which no plea of necessity, or even of justice, could be urged.

This ill-timed parsimony was opposed with much earnestness by several members. The utmost they could obtain was, that no attempt should be made to disband the petitioners without proposing the immediate payment of about one-third of their

May 25. claims. The lord general was accordingly informed that certain regiments were to be instantly dismissed, and upon these terms. Before acting upon

29. these instructions, his lordship deemed it prudent to assemble a council of officers, who agreed that the matter was such as to require being submitted to the whole army, and that the army should be brought together for that purpose. On hearing of

June 5. this measure, the commons became alarmed, and would have retraced their steps. But it was too late. Their next information was that the army had seized the person of the king, and three weeks later its quarters were at Uxbridge.*

The king in the hands of the army. June 4.

This nearer approach to the metropolis had been accompanied by larger demands on the two houses, and by a request that eleven members, the most active in the presbyterian body, should be removed from the commons, on the charge of having attempted to produce dissension between the army and the parliament. The lord general was followed by twelve thousand men. To meditate resistance was vain. The obnoxious members were in consequence allowed to absent themselves, and a

* Parl. Hist. III. 560—571, 581—590. Rushworth, V. 447—505. Whitelocke, 245—250. Lingard, X. 368—379. Ludlow, I. 162—166.

deputation from Westminster was constrained to meet a deputation from the army.*

The capital made a greater show of resistance than the parliament. From the beginning of the war, London had been the strong-hold of the presbyterian interest; and among the present claims of the army was the removal of certain men of that party who possessed the command of the metropolitan militia, that their place might be supplied by persons better disposed toward the general interests of the country. The meaning of this was obvious. Tumults ensued in favour of the covenant; and a riotous multitude assembled before the houses at Westminster, who failed not to besiege both lords and commons, until whatever had been done in compliance with what was described as the sectarian and revolutionary temper of the army, was formally rescinded. Such of the members as were

Hostile preparations in the capital.

July 25.

* Rushworth, V. 518—596. Whitelocke, 250—256. Parl. Hist. III. 645, *et seq.* The eleven members were Denzil Hollis, esq., sir Philip Stapylton, sir William Lewis, sir John Clotworthy, sir William Waller, sir John Maynard, major-general Massey, John Glynn, esq. recorder of London, Walter Long, esq., colonel Edward Harley, and Anthony Nichol. These were charged with obstructing the business of Ireland, with being actors against the army, and against the laws and liberties of the subject.

In February, Whitelocke observes, "Many complaints and cavils were made against the officers and soldiers of the army, as such who held erroneous and schismatical opinions contrary to true doctrine, and that they took upon them to preach and expound scripture, not being learned or ordained—those who so lately were in the highest esteem and respect, as freers of their country from servitude and oppression, are now, by the same people, looked upon as sectaries—thus we see the inconstancy of the giddy multitude."—240. This multitude and its leaders conducted their affairs so prudently, that, in the following June, the same writer says, "It was strange to see how several counties, and the citizens of London, began to make all their applications to the general and army, omitting the parliament."—257. It is added, that some censured the present concessions of the parliament as arguing timidity, others applauded them as prudent, and a third party "wished the first votes, and severe prosecuting of the business of disbanding had been declined, which occasioned this trouble."—258.

CHAP. IV. 1647.

known to be independents, or favourable to the tolerant principles of that people, deemed it expedient to avoid any future exposure to the insults which were that day heaped upon them, and retired in a body to the protection of the army.* In the meantime, some extensive and noisy preparations were made, with a view to the defending of the city in case of assault. These were conducted by men who had served under Essex and Waller, but dwindled into insignificance as the victors of Naseby were heard to be at hand.† Many who had been marshalled to oppose them joined their ranks; and thus, by a concurrence of circumstances, in themselves hardly surprising, but evidently unanticipated until nearly realized, the parliament, the capital, and the nation, became subject to a military ascendancy.‡

Military ascendancy.

Aug. 6.

Conduct of the army towards the king.

Charles will not be thought to have been an uninterested spectator of these changes. While with the army, he had been treated with a degree of respect and indulgence highly creditable to that body. His children were allowed access to him; several individuals who had made themselves

* These included the speakers of both houses, fourteen peers, and about a hundred commoners. Parl. Hist. III. 727, 728, 756—758. Ludlow's Memoirs, *ubi supra*. At this moment, the royalists and the presbyterians, regarded the army as their common enemy, and both were parties in producing this tumult. The mob scaled the windows of the house of lords, and threw stones within, shouting that they would do more if their demands were not complied with. They forced their way into the lower house, and obtained the votes which they proposed.—Ibid. Whitelocke, 262, 263.

† Parl. Hist. III. 728, 754. Whitelocke, 264—266. Ludlow, I. 180–182.

‡ Whitelocke, 260—264. Baillie, II. 259. The two speakers, and the retired members from both houses, appeared in their carriages, forming part of the civic-military procession which approached the city on the memorable sixth of August.

obnoxious in his cause, and who were known to be in immediate correspondence with the queen, were permitted to attend him; and, what was a far greater stretch of liberality, the spirit of the age considered, his episcopal chaplains were always about him, and conducted the exercises of worship according to the forms of their fallen church, without opposition. Communications were at the same time made to him by Fairfax, Cromwell, and the army generally, assuring him of the strong feeling which they cherished in his favour, and of their wish to see the animosities that had so long divided the kingdom extinguished by some amicable adjustment with himself and his followers.*

Plan for a "settlement of the nation."

About a week before its entrance into London, the army had called the attention of the monarch to a plan of this kind. It was said to be for the "settlement of the nation," and was framed with a view to the claims of nearly all the parties which the nation included. Hence it did not require that either the hierarchy or the covenant should be abolished; but claimed that the men dissenting

* Ludlow, I. 166, 167. These were not the first friendly overtures between the king and some of the independents. In February, 1644, Baillie says, "There was much speech of the independents treating at Oxford. I know they have offers from the court of all they desire."—I. 424. See also, 428. II. 120, *et seq.* "The king began to look upon the independent interest as more consistent with episcopacy than the presbyterian, for that could subsist under any form, which the other could not do; and therefore largely promised liberty to the independent party;" but the writer adds, "being fully persuaded how naturally his power would revive upon his restitution to the throne, and how easy it would be for him to break through all such promises and engagements, upon pretence that he was under a force." Ludlow, I. 167. These remarks are made in the summer of 1647.—Clarendon, V. 442, 447—454.

CHAP. IV. 1647.

from the one or the other should not be liable to any penal consequences in avowing it. It reserved the command of the army and navy to the parliament for ten years, after which it was to revert to the crown; and the number of royalists to be excepted from pardon was limited to five. There is the strongest reason to believe that Fairfax, Cromwell, and the great majority of the army, were strictly sincere in making these proposals. They were certainly the most honourable with regard to the king that had ever been submitted to him, and, on all the great points at issue, were more moderate than any that had been for some time before him. Had Charles accepted them he would have regained his throne. And could he have brought himself to hold that equal hand toward the different religious parties which this scheme required, he might have reigned securely. There would have been the bickerings of the selfish and intolerant to contend with, but he might soon have possessed himself of as much authority as our present constitution concedes to the sovereign.

Charles rejects it.

Unhappily, the king deluded himself with the persuasion that, by watching the strife between the several factions, he might seize a much better moment in which to strike a bargain. His reply, according to the deputies of the army, was, "You

May 1.

cannot support your cause without me, and my support shall not be sold at so mean a price." The matter and the manner of this answer was resented as unreasonable and ungrateful, and a spirit of violence, which Charles had not hitherto

seen among the soldiers, became from this day manifest.*

1647. His removal to Hampton Court.

While the army marched toward the capital, the king was conducted to Hampton Court, where, notwithstanding what had happened, the influence of the officers procured a continuance of the indulgences which had been afforded him, and even added considerably to them. He saw his children and his friends at pleasure; was allowed the exercise of hunting, on a promise to return; and maintained an open and safe correspondence with Henrietta. To some proposals made by the parliament he replied, that they were less likely to secure a permanent peace than those recently submitted to him by the army, and suggested that commissioners should be appointed from both sides to agree upon the articles that should be laid before him. The army was much pleased with this expedient.†

His intrigues to renew the war detected.

But nearly two months were occupied in attempting to effect this union of claims; and during that interval, Charles was detected in several intrigues with his partisans in the three kingdoms, for the purpose of renewing hostilities. This ill-timed discovery did much to procure his ruin.‡

* Ludlow's Memoirs, I. 171—178. "The king having thus bid defiance to the army, thought it necessary to bend all his force against them, and especially to strengthen their enemies in parliament." The writer considers Charles as implicated in the tumults which broke out a few days later in the city.

† Clarendon, V. 470—478.

‡ Clarendon, V. 476, 478. The following passage does not refer to the Scots commissioners only, but to the Scottish parliament and nation: "If the king be willing to ratify our covenant, we are all as one man to restore him to all his rights or die by the way;" but the writer adds, "if he continue resolutely to reject our covenant, and only to give us some parts of the matter of it, many here (in England) will be for him even on these terms."—Baillie, II. 260. Ludlow, I. 176.

CHAP. IV.

1648.

Altered conduct of Cromwell.

Cromwell was the first man to apprise the king that his insincere manner of proceeding was no secret. And from this time a new state of things in the army began to divert the attention of the lieutenant-general from the safety of royalty to that of himself and his friends.*

State of the army at this crisis.

The body, which we have frequently noticed under the name of independents, had been for some time allied with a multitude of sects. The existence of these, for which the character of the times will account, is further explained by the circumstance, that a large portion of men, who became soldiers in the armies of the parliament, became such from religious motives; and as the clergy, who were at first connected with several regiments as chaplains, soon retired from a mode of life so little congenial with their habits, the services of religion were left to fall almost into disuse, or to be conducted by military men. Baxter saw the evil that had arisen from this source much before the present time, and spoke of himself and his brethren as seriously to blame, in having so readily deserted their connexion with the army.† Preachers were soon found to supply their place; but they were often

* "Cromwell appeared, in all his conferences with sir John Berkeley, most zealous for a speedy agreement with the king—always affirming that he doubted the army would not persist in their good intentions."—Ludlow, I. 174. A fortnight had not passed from the time of the king's rejecting the proposals of the army, when Cromwell's suspicions as to that body proved to be but too well founded. The complaint then was of "the free access of al cavaliers to the king at Hampton Court, and that the doors of Cromwell and Ireton were open to them, when they were shut to the army."—Ibid. 183.

† The same deficiency of authorised teachers occurred in the Scottish army, soon after it had crossed the border. But the Scots appear to have found it easier to part with their morals than their orthodoxy. See Baillie, II. 104, 142, 143, 165.

little competent to the office they assumed; and the effect had now become manifest in that strange variety of creeds, and that conceit and turbulence of temper, which threatened to involve the affairs of religion, as well as those of the government, in the utmost confusion.

It has been justly remarked, that the variety of religious sects which sprung up during this period "has been a fruitful topic of reproach and exultation to infidels and worldly ecclesiastics. The former of these classes glory in the fanaticism of the sects, as a proof of the absurdity of all religion whatever; the others refer to it as a beacon to warn men of the danger of departing from established faith and forms. Infidels forget, however, that sects, and enthusiastic ones too, are not confined to christians. The elegant mythology of Greece and Rome presented, in the deities of a thousand groves and streams, anything but a unity of opinions or worship, while the conduct of the worthies of those elegant superstitions exhibited 'all monstrous, all prodigious things.' Nor were the haunts of philosophy in ancient, or the schools of philosophy in modern times, more free from sects and schisms, or from fierce and angry contentions. Ecclesiastics should remember, that unity is the boast of the Romish church, and division her reproach of protestantism. Not that she is entitled to the claim of unity, or to fling the reproach of discord at others. She has her sects, and her quarrels, too. It is not to the discredit of the reformation that it gave rise to a diversity of opinion and practice among the reformers themselves,

CHAP. IV. 1648.

and afforded an opportunity for the manifestation of errors and improprieties which they all deplored. The excitement produced by that glorious event, was not likely to spend all its force on the minds which were capable of bearing it without injury; it was necessarily extended to others, whose passions or imaginations were more powerful than their understandings. On such men the pure fire that burned on the protestant altar became wild-fire, not warming by its genial heat, or consuming evil by its steady flame, but scorching and vagrant; destroying in its fury both friends and foes.

"It cannot be matter of surprise, that the civil commotions of England, which were but the bursting forth of a volcano that had long been burning in secret, should be attended with similar effects. The convulsion which overturned the throne, overwhelmed the church, and nearly destroyed the constitution, was a shock which even the most powerful minds could scarcely sustain. It was natural to regard it as the crisis of religion as well as of politics, and to contemplate in it the approach of a new and splendid era. Politicians, astrologers, lawyers, physicians, and philosophers, as well as theologians, felt its power. Few, comparatively, of any class could 'sit on a hill apart,' and contemplate, with calm serenity, the whirlwind and the storm which were then raging; still fewer were capable of directing them, or of reducing the conflicting elements to order and harmony; and of those who made the attempt, not a few perished in it, or only exposed themselves to the insult and

mockery which their imbecile temerity justly deserved.

"Religion, from its infinitely greater importance than all other things, necessarily wrought most powerfully in these circumstances on those who were concerned for its interest. The zeal of such persons was not always in proportion to the strength and correctness of their judgment. It was not too fervent, had it been sufficiently enlightened; but being, in many instances, in the inverse ratio of knowledge and prudence, it produced all sorts of wild and eccentric movements. We deplore that this should have been the case, but it is foolish to be surprised or to sneer at it. Circumstances produced sects in religion as they produced parties in politics; they formed heresies in the church as they created false theories in the state."*

Hence there were sects which were characterized by nothing so much as their hatred of every thing religious. But all these parties, heterogeneous as they were, had become as one man in asserting liberty of conscience. This was the bond that held them.†

Hitherto, the comparative learning and sobriety of the independents, had secured them an ascendancy, and preserved some degree of order amid this apparent chaos. But at this moment the suspicious conduct of the king afforded a convenient

* Orme's Life of Baxter, I. 104—106.

† There was a mixture of this kind in the parliament army, from the very beginning of the contest. See Mrs. Hutchinson's Memoirs, I. 191—195, 200, *et seq.* Baillie states that in the parliament, beside the independents and Erastians, there was a third party "of worldly profane men, extremely affrighted to come under the yoke of ecclesiastical discipline."—II. 183. (1646.)

CHAP. IV. 1647.

topic of discourse to those who had become distinguished by their hostility to every privileged order, whether in the church or the state. Doubts, which it had not been difficult to excite, were now produced in many instances with regard to the conduct of the leading officers. They had been observed to treat the king with marked respect and courtesy, and had submitted to tedious delays in negotiation from a deference to his feelings—circumstances which, to vulgar minds, would bear a dangerous construction. At the same time the double dealing of the monarch seemed to point him out as little worthy of this considerate treatment.*

The levellers.

This revolutionary party began among certain rude religionists in the ranks. Gradually it extended itself to the officers, many of whom, from persuasion or policy, were now its abettors. Its disciples had assumed the name of rationalists. In a short time the nature of their tenets procured them the name of levellers—the appropriate designation under which they were to become known to posterity. These notions of stern democracy had so far affected the army, that papers, urging an adoption of the leading principles of this sect, were presented from no less than eleven regiments. They knew nothing of kings or lords. They

* This jealousy lest some partial treaty should be made with the king by the officers, extended itself to the parliament as well as the council of agitators, and placed that body in circumstances of much perplexity and peril. "The suspicions of them grew to be so strong, that they were accounted betrayers of the cause, and lost almost all their friends in the parliament. The army, which then lay at Putney, were no less dissatisfied with their conduct."—Ludlow, I. 184. Baillie observes repeatedly, that the most powerful sect in the army, next to the independents, was the "anabaptists."

claimed the same protection from the laws, the same freedom from forced service in the army or navy, and the same liberty of religious worship. That parliaments might be a more adequate representation and exercise of the sovereignty of the people, it was recommended that the right of suffrage should be rendered more equal and extensive; and that every such assembly should be biennial, and its sitting limited to six months.* Nov. 6.

These proceedings were resisted with spirit by the two houses, and not less so by Cromwell and Ireton. That something, however, might be conceded to this arrogant faction, the parliament consented to deprive the crown of its negative voice on bills, after passing the lords and commons; and Cromwell concurred with the council of officers in voting that no further attempt should be made toward negotiating with the king. But these concessions failed to disperse the gathering storm, and it was evident that, without some prompt and decisive measures, all would be lost.†

Their mutinous conduct checked.

Fairfax assembled his council, who advised him that the agitators should be dismissed; that a third part of the army should be called out on three successive days; and that each should be reminded of the objects for which they had become soldiers, and of the injury likely to result from their present courses. On an appointed day this attempt was made. The men were in conclusion assured, that nothing should be neglected which might conduce to their rights, should they return

* Rushworth, VII. 845—863. Whitelocke, 277, 278.

† Whitelocke, 278—292.

CHAP. IV. 1647.

to those habits of discipline that had once distinguished them. The first regiment to which this remonstrance was addressed, had been selected as the most hopeful, and it was received with acclamation; the men pledged themselves anew to obedience, and gave up the individuals who had been the chief fomenters of discord. But there were two corps present without orders, and their object was clearly mutinous. The moment was a critical one to all parties; but to no man more than Cromwell, whose head, it had been asserted, should be the price of his practices in favour of the king. The men who had so spoken were now before him. A little reasoning and persuasion won over the first body; but the second had become the seed-plot of sedition, and, from the motto which they now wore in their hats,—"the people's freedom and the soldier's rights"—it was evident that they did not mean their intentions to be a secret. Cromwell, glancing his eye along the ranks, rushed into their midst, shot the foremost man dead, committed three others to undergo the same punishment, and, almost in the same breath, ordered a number into custody as hostages for the obedience of the rest. By this intrepid movement the boldest were intimidated, and discipline was restored.*

Dec. 15.

Charles escapes to the Isle of Wight.

Whilst this dangerous temper was observed to be spreading in the army, Charles had made his escape from Hampton Court to the Isle of Wight. There he again became a prisoner, and gave additional offence by refusing to pass four bills which

* Rushworth, VIII. 875. Clarendon, V. 505, 506.

had been agreed to by the two houses as the basis of a treaty. They were in substance the same with the proposals which had been frequently made. On his refusal, the parliament followed the example of the army, and voted that no more addresses should be presented to the sovereign.*

The king had adopted this mistaken policy in consequence of anticipating that a vigorous effort would be made in his favour by the Scots, and by the more zealous among his adherents in this country. That effort was made, but it was counteracted and crushed at all points by the energy of Cromwell.

Treaty of Newport.

While the army was thus employed, the city and the presbyterian party in the parliament resumed much of their authority. Its probable return served to expedite the arrangements relating to the treaty at Newport,—a negotiation which was conducted by the parliamentary commissioners on one side, and the king in person on the other.†

Sept. 18.

Nov. 25.

Increase of revolutionary feeling.

The concluding articles of this treaty were under deliberation, when a third party interposed. In a petition, said to be from thousands of well affected

* Parl. Hist. III. *ubi supra.*

† The principal articles discussed in this treaty related to an act of indemnity, the church, and the militia. The first required the king to admit the lawfulness of the course pursued by the parliament in the late war,—this concession being necessary to the safety of its adherents from prosecutions under the charge of treason. After much remonstrance, Charles consented, but it was with the singular proviso that this admission should not be understood to have been made if the treaty should come to nothing. The propositions respecting the church were framed to secure the establishment of presbyterianism, and a proscription of nearly every thing else; and that respecting the militia, placed it entirely in the hands of the two houses. After much effort to evade these obnoxious demands, Charles so far complied with them, that, according to Clarendon, his chief comfort was derived from the hope that the houses would not accept them, or at

CHAP. IV. 1648.

people in and near London, a scheme of government was proposed, which, without formally abolishing the monarchy or the aristocracy, reduced them to mere names, and which called, among other things, for freedom of worship, annual parliaments, and the abolition of tithes. It concluded with urging the parliament to consider "the blood spilt, and the rapine perpetuated by commission from the king; and to inquire whether the justice of God could be satisfied by a mere act of oblivion."*

The conduct of the army soon conferred an unequivocal meaning on these dark intimations. Cromwell had hazarded every thing with a view to serve the king. In his future intercourse with the levellers, who appear to have formed a majority among the privates, he was obliged to content himself with starting difficulties which referred less to the objectionable nature of their principles than to the possibility of carrying them into full effect. The storm was no longer at a distance, and he had to choose whether to wield its elements or to be overpowered by them. The confidence of this party in the justice of their cause would not be lessened by their recent successes; for, in that age,

least that they would never be realized—"so far he was from being pleased with his own concessions."—Hist. V. 109, 110, 152—187.

When this painful struggle had closed, the king addressed a letter to the prince of Wales, containing many admirable sentiments—lessons which the father had often violated, and which, on that account, perhaps, were urged with deeper emphasis on the son. "To conclude; if God give you success, use it humbly and far from revenge. If he restore you to your right, upon hard conditions, whatever you promise, keep. Do not think any thing in this world worth the obtaining by foul and unjust means."—Clarendon Papers, *ubi supra.*

* Whitelocke, 335.

this rule of judgment prevailed with all parties. It is certain that at this time they employed themselves, directly and indirectly, publicly and privately, to diffuse the doctrine that the king had been the great occasion of all the bloodshed that had filled the land, and that the justice of heaven required nothing less than the shedding of his own.

Parties chargeable with the king's death.

Not that the motives of the men who sought the death of the king were purely of a religious character. This notion is, indeed, a common one, but, like many common notions respecting this period of our history, it is as false as it is general.* In the army there was a large body who, from various causes, had an incurable distrust of the king; there were others with whom he was an object of deep resentment, on account of the protracted miseries of the war. In some there was a hopelessness of ever bringing the monarch to those terms which were considered necessary to their own safety; and in others, the events of the last few years had induced that severe republican temper which there needs no religious creed to produce, and which knows no difference between a culprit king and a culprit mendicant. All these causes concurred to bind various classes together in one sentiment—and that sentiment was, that nothing less than an entire removal of the present sovereign could afford the least prospect of a settlement to the nation. It was this party, so

* The reader who has paid any attention to the debates in our house of peers on the late catholic question, will be aware that this notion has been exceedingly prevalent where it may least be forgiven.

CHAP. IV. 1649.

united and yet so variously composed, that prevailed in the council of officers when the king was declared to be the grand author of all the late troubles, and when his trial was openly demanded; which prevailed when the members of the lower house were expelled as by the point of the sword, so that not more than fifty remained to constitute what is called the rump parliament; it was this party which compelled this remnant of a parliament to vote for criminal proceedings against the sovereign; which called into existence the high court of justice; which there arraigned the unhappy monarch, condemned him to death, and halted not until the appalling sentence was carried into full execution!

Jan. 30.

COMMONWEALTH.

CHAP. I.

FROM ITS COMMENCEMENT TO THE BATTLE OF WORCESTER.

ESTABLISHMENT OF THE COMMONWEALTH.—DEFECTIVE STATE OF THE HOUSE OF COMMONS AT THIS TIME.—ITS AUTHORITY.—DIFFICULTIES OF THE NEW GOVERNMENT.—PROSECUTION OF THE ROYALISTS.—UNSETTLED STATE OF THE ARMY.—THE LEVELLERS.—SUPPRESSION OF HOSTILITIES IN IRELAND AND SCOTLAND.—TRIAL OF LILBURNE.

CHAP. I.

1649. Establishment of the commonwealth.

THE state of the constitution from the death of Charles the first to the protectorate, or rather that state of things which was substituted in the room of the constitution, will not require extended description. Within a week after sentence was passed on the king, the monarchy and the house of lords were abolished; and a council of state, consisting of forty persons, was appointed by the commons to assume the government of the nation. A new great seal was produced, and put in commission; and an oath to be faithful to the parliament and people was provided, to supply the place of the oath of allegiance and supremacy. The name of the king's bench was changed for that of the upper bench. Six of the judges retired from office; but the same number remained, on a declaration from the present legislature, that no infringement should be made on the fundamental

Feb. 6.

CHAP. I. 1649.

laws. The changes which produced this hesitation among the judges, were certainly unacceptable to the great majority, perhaps to four-fifths, of the nation.*

Defective state of the commons at this time.

Had the house of commons been what the constitution required it to be, less repugnance would have been felt to this extinction of the monarchy and the aristocracy, though forming the elder and more imposing branches of the legislature. But the lower house, after many secessions from it during the civil war, had been recently purified by the army—that is, had been freed from the presence of all members suspected of being unfavourable to the plans of the military. That house which, at the meeting of the long parliament, had included five hundred persons, now consisted of about fifty. The men who had effected this momentous revolution, could not persuade themselves that the nation would long submit to be governed by so poor a fragment of that power which had been appointed to protect its interests. They accordingly invited several of the expelled members to return; and issued writs to those places where their influence was most powerful, requiring new elections. In this manner the house was increased to nearly a third of its original number.

Its authority.

Still it was not to be concealed that this assembly was by no means a true representation of the people of England, and the character of usurpation was impressed upon the whole system. It existed because, on the appearance of opposition, its

* Parl. Hist. III. 1281—1288.

pretensions might be vindicated by an army of forty thousand men; and because the genius of the persons, who possessed the command of this force, was of an order to provide against the many perils which surrounded them. We may add also, that before a judgment is formed respecting the good or evil involved in this usurpation, it will be proper to be assured as to what would most probably have followed from the ascendancy of the presbyterians on the one hand, or of the royalists on the other; or from a union of these parties. The reign of intolerance was inevitable. And as to chartered rights, and solemn promises, what would these have been when opposed by the united influence of that licentious wrath which had characterised the one party, and that religious bigotry, which was not less observable in the other?*

* Parl. Hist. III. 1281—1288. My references are all along to Cobbett's Parliamentary History, and not to the older work under that name. The editors of the old Parliamentary History conclude a series of statements and observations on this period, by remarking, "From these indisputable facts it appears, that those great and able members, who first engaged on behalf of the liberties of the people against the encroachments of the prerogative, meant no more than to oblige the king to rule according to law; not to bring him to the scaffold; and that monarchy and the peerage were not destroyed till the liberties of parliament had been first subverted by an army of their own raising." This is no doubt true, and a melancholy truth it is, that what was so nobly begun should thus have ended. Yet it is not the army which should bear the whole blame. This belongs, in at least an equal measure, to the imprudence, the injustice, and the intolerance of the parliament. Through more than seven years there had been a monthly fast observed, when sermons were preached before the members of both houses. The preachers on those occasions were generally of the presbyterian school, and almost uniformly the advocates of a religious domination, scarcely less odious than that of their former masters, the prelates. These tirades, however, were printed and circulated at command of the parliament. An independent preacher ventured, on one occasion, to break through this invidious practice, by contending, and on the ground of solid reasoning, that no peaceable member of society should be molested on account of his religious opinions or practices. The remark made in the assembly of divines was, that should the parliament request such

CHAP. I. 1649.

Difficulties of the new government.

The situation in which the founders of the commonwealth were placed was by no means enviable. In adding to the number of the commons, though so cautiously done, they were hazarding the control of that assembly. A less formidable army would have been unequal to their object; and it was at the same time important to avoid imposing any unusual burden on the people, and strictly necessary to preserve the army itself from being the seat of discord — an event the more probable in proportion to the increase of its strength. Added to all this, every motion of the existing government was watched by a combination of parties, which certainly included the majority of the people, nearly all the established priesthood and superior gentry, and the whole of the nobility. But it was now too late to be alarmed at difficulties. Retreat was no longer possible. To keep possession of the reins was the only chance of safety.

Prosecution of royalists.

The opposition to be anticipated was from three quarters—the Scots, the levellers in the army, and

a discourse to be printed, "it were no blasphemy to say they were no parliament," (Sermon before the House of Commons, Nov. 1646, by William Dell, minister of the gospel.) We have seen how the presbyterian portion of the parliament descended to employ the bigotry of their adherents in the capital; and I am quite at a loss to discern the propriety of following the usual course of our nonconformist writers, in speaking of these men as though they were the pure defenders of general liberty. They had never ceased to be the advocates of civil freedom—no mean praise. And from the decease of Elizabeth to 1640, they are chiefly known as the enemies of ecclesiastical oppression—a circumstance which connects them with generous sympathy. But when, soon after 1640, they began to steal into the oppressor's place, with respect to matters of conscience, I know not why a veil should be cast over this enormity. Mr. Hume describes the independent—that is, the whole anti-presbyterian—party in the commons, as having secretly concurred in the "encroachments of the military on the civil power," but he is constrained to admit that their object in this was "a more perfect system of liberty." Hist. VI. 103.

the royalists—the last including the catholics of the three kingdoms. Against the royalists, who would be the least disposed to treat the ruling power with deference, it was resolved to proceed by way of intimidation. All persons of this party who were abettors of the war in the last year, had been declared traitors by the parliament; and, in virtue of that decree, sir Charles Lucas and sir George Lisle had been executed at the surrender of Colchester. But among the prisoners taken in that war, and still in confinement, were the duke of Hamilton (who had commanded the Scottish invaders), the earl of Holland, the lords Capel and Goring, and sir John Owen.* It was resolved to place these offenders on their trial, under the charge of high treason; and, to secure their conviction, they were arraigned before the high court of justice. The court was made to consist of sixty persons. The chief plea of Hamilton was his being a Scotsman, and his having acted under authority from the parliament of his country. But it was not forgotten by his prosecutors that the duke of Hamilton was also earl of Cambridge, and that, as such, he had often sat in the English house of peers. His objection was in consequence overruled. Capel demanded to be tried by his peers, or what was, under existing circumstances, more reasonable, by

CHAP. I. 1649.

* That hostile intrigue in which Charles was detected, while at Hampton Court, and which taught the officers to abandon him, was the origin of this second war—so fatal to its leaders. There was a "kirk party" in Scotland who pronounced their malediction on Hamilton's enterprise; but the "presbyterians in London secretly prayed for his success, and hardly could the house of lords be brought to join with the house of commons in voting all the English traitors who should join with the Scots, which yet at the last they did." Hutchinson, II. 125. Hamilton led 25,000 men when defeated at Preston.

CHAP. I. 1649.

a jury of his countrymen. But he was informed that the court had derived its authority from the parliament of England, from which there was no appeal. All were condemned as traitors. The parliament however had the power to suspend or mitigate the sentence.

In that assembly Owen was saved through the compassion of the colonels Hutchinson and Ireton. Goring, a man whose conduct had been a studious insult to his enemies throughout the war, owed his life to the casting voice of the speaker. A single vote turned the scale against the earl of

March 9.

Holland. Capel and Hamilton were condemned without a division. The last three perished on the scaffold. This severity was meant to produce the effect which followed it. The machinations of the royalists were managed, from this time, with an unusual degree of caution and timidity.

But these measures augured ill as to the fate of those fundamental laws which the parliament had declared were not to be violated. The high court of justice, if it could be vindicated in the solemn occasion which it had been created to meet, should at least have been reserved to occurrences of the same high import. It was not altogether without reason that the names of these sufferers were revered as those of martyrs in the cause of loyalty.*

* Godwin's Commonwealth, III. 39—44. State Trials, *ubi supra*. Dr. Lingard remarks here, "If the reader compare the detailed narrative of these proceedings by Clarendon, (III. 265—270.) with the official accounts in the journals, (March 7, 8.) he will be surprised at the numerous inaccuracies of the historian," Hist. XI. 10. See also Whitelocke and Ludlow. The court of justice was continued after this time by successive acts for the purpose.—Whitelocke, 485.

CHAP. I.

1649.

What rendered the submission of the royalists of the utmost importance at this crisis, was the disturbed state of the army. So early as the November of the last year, a paper had been drawn up by that body, intitled, "An Agreement of the People," which was meant to be signed by all classes of the nation, and in that state was to possess an authority which the existing parliament should not be allowed to infringe. It required that a new parliament, of four hundred members, should be assembled in the ensuing spring; the members being chosen on a more general plan of election, which the document explained. It limited the sitting of each parliament to six months, and declared its authority dissolved at the end of the second year, the affairs of government, during the remaining eighteen months, being committed to a council of state. The power of this assembly was declared to be supreme with respect to all civil transactions; but it was not to interfere with the rights of conscience; or, if some one sect of religionists must be endowed, full liberty was to be conceded to the rest. A few days before sentence was pronounced against Charles, this agreement was presented to the commons, by Fairfax—not that the house should render it a law, but that its being sent through the nation, to receive the signatures of the people, might be with the sanction of that assembly.

Unsettled state of the army.

1648. Jan. 20.

But this scheme, bold as it was, did not proceed far enough to satisfy the levellers, nor the severer class of republicans. The former, particularly, were taught by certain of their leaders, and especially by the notorious John Lilburne, that this instrument

CHAP. I. 1649. Feb. 26.

was approved by the officers purely because it was conducive to their own aggrandizement; and that the army and the nation were on the verge of falling under the power of an oligarchy, more to be dreaded than the return of monarchical or prelatical oppression. The man whose lips and whose pen sent forth these declamatory appeals without weariness or fear, had held a colonel's commission. His life had been a whirlwind of passion, with which reason or principle had little to do; but he contrived, along with more cautious coadjutors, so far to extend the infection of his doctrines, that the commonwealth was threatened with destruction almost before conscious of existence. During four months it required all the promptitude and vigour that Cromwell himself could bring to the enterprise to suppress the mutinous detachments which presented themselves in different parts of the country.*

* Whitelocke, 388—406. Godwin, III. 64—82. Mrs. Hutchinson's account of the origin and character of the levellers is more favourable than that which is generally given of them: "At London, things were in a sad posture; the two factions of presbytery and independency being so engaged to suppress each other, that they both left off to regard the public interest; insomuch, that at that time a certain sort of public-spirited men stood up in the parliament and the army, declaring against these factions, and the grandees of both, and the partiality that was in these days practised, by which great men were privileged to do those things which meaner men were punished for, and the injustice and other crimes of particular members of parliament rather covered than punished, to the scandal of the whole house. Many got sheltered, in the house and army, against their debts, by which others were defrauded and undone. The lords, as if it were the chief interest of the nobility to be licensed in vice, claimed many prerogatives which set them out of the reach of common justice, which these good-hearted people would have to belong to the poorest as well as the mighty; and for this and such other honest declarations they were nicknamed 'levellers.' Indeed, as all virtues are mediums, and have their extremes, there rose up after, in that name, a people who endeavoured the levelling of all estates and qualities, which these sober levellers were never guilty of desiring, but were men of just and sober principles, of honest and religious ends, and

CHAP. I.

1651.

There were circumstances, too, which rendered the necessity of these exertions at the present moment peculiarly irritating. Ireland, if any thing better than the name of a government was to be preserved there, demanded immediate attention; and all the remaining strength that could be brought to the conflict, would probably be required to meet the effort about to be made by the Scots in favour of the surviving Charles Stuart. By the genius of Cromwell, however, both these objects were accomplished—the latter by the memorable battles of Dunbar and Worcester; the former, by a series of movements, the skill and energy of which had no parallel in the warfare of the seventeenth century. Unhappily they were movements disgraced by a frequent contempt of private rights, and of the common bonds of humanity. But the actors in the late massacre of the protestant population, and the people who had conferred upon that deed their open or tacit approbation, were not conceived to be deserving of better treatment.

Suppression of hostilities in Ireland and Scotland.

Sept. 3, 1650, 1651.

March 1650.

Even these splendid achievements were not sufficient to intimidate Lilburne and that ill-sorted mass of persons that may be described as his disciples. In 1649 he obtained the verdict of not guilty from a jury, to the great mortification of

Trial of Lilburne.

therefore hated by all the designing, self-interested men of both factions. Colonel Hutchinson had a great intimacy with many of them; and so far as they acted according to the just, pious, and public spirit which they professed, owned them and protected them as far as he had power."—II. 127—129. There is room to believe that the class of "sober levellers," was soon outnumbered by their more extravagant brethren.

See Walker's History of Independency, p. 194, *et alibi*, which agrees with much of the above statement; and as this is a subject on which that writer had no great inducement to exercise his love of the marvellous, his testimony may pass for something.

CHAP. I. 1649–1657.

his prosecutors. But in 1652 a new offence placed him in their power; and, by a vote of parliament, he was required to pay a heavy fine, and to quit the country. In the following year he solicited Cromwell for permission to return, and receiving no answer, he ventured to appear amidst his old associates. The sentence which banished him made this conduct felony; and after several petitions had been presented in his behalf by the apprentices of London, and other parties, he was placed a second time before a jury. During five days he perplexed the proceedings of the court; and when obliged to plead, protracted the trial itself to a late hour of the third day. His courage and dexterity increased the number and attachment of his followers, some thousands of whom attended daily, and many with arms, for the purpose, it was rumoured, of effecting a rescue, should the sentence of guilty be pronounced. Papers, indeed, were circulated, which affirmed that Lilburne should not die until twenty thousand men had shewn themselves ready to die with him. Cromwell knew the degree of importance that should be attached to these anonymous threats; but he considered it prudent to have some detachments of military in readiness.

The chief arguments of the prisoner were, that the parliament is no court of justice, and accordingly had no authority to send him into banishment; that, apart from this fact, the functions of the late parliament became extinct with the death of the late king; that no decree, even of the legislature, should be binding on the conscience of men, if

unjust in itself; and lastly, and above all, it was contended, that a jury should judge of the law as well as the fact, and should therefore set at nought all instructions requiring them to convict an accused man in a penalty which they knew to be unmerited. Night was advancing before a verdict was returned, and when pronounced, it was one of acquittal. The reiterated shouts which it produced among the partizans of Lilburne were heard in the apartments of Whitehall, the residence of Cromwell.

But the sentence which called forth this loud exultation was not followed by the liberation of the popular favourite. On the ground of certain reflections, proved to have been uttered by him during his trial, he was remanded to the Tower, and it was resolved by the parliament that he should remain a prisoner during pleasure. The law authorised him to demand the cause of his re-commitment, and the open trial of that cause. But this great safeguard of personal liberty, for which the Eliots and Hampdens had so nobly contended, was to be put in abeyance by their disciples, when state necessity was regarded as demanding it!

Lilburne was removed from the Tower to Jersey; he obtained his release from Elizabeth Castle, in that island, in 1657, and died soon afterwards, ending his stormy course as a member of the society of quakers. His history would not have merited this attention, were it not particularly illustrative of the feeling and character of his times.*

* Godwin, III. 101—107, 163—178, 333—340, 549—560.

CHAP. II.

FROM THE BATTLE OF WORCESTER TO THE PROTECTORATE.

GROWING POWER OF CROMWELL. — CONDUCT OF THE PARLIAMENT.—RETURN OF THE ARMY. — CROMWELL'S QUESTION RESPECTING A MONARCHICAL POWER. — JEALOUSY SHEWN BY THE PARLIAMENT. — CROMWELL'S CONFERENCE WITH WHITELOCKE.— HE EXPELS THE PARLIAMENT — AND DISSOLVES THE COUNCIL OF STATE. — THE DISAFFECTION OF THE PRESBYTERIANS DURING THE COMMONWEALTH. — CONCILIATORY MEASURES OF THE GOVERNMENT. — EXECUTION OF LOVE. — TOLERATION IN SCOTLAND.—STATE OF RELIGION AT THIS TIME.

CHAP. II.

1651. Growing power of Cromwell.

After the battle of Worcester, "a train of favouring events, more than any deep-laid policy, had brought sovereignty within the reach of Cromwell."* Such is the opinion of a distinguished writer, who is quite as much alive to the faults of this extraordinary man as to his excellencies. There is indeed a class of historical critics, who, in examining the early life of Cromwell, have made many shrewd discoveries of hypocrisy and profound contrivance, all illustrating the steadiness and unscrupulousness with which this revolutionary chief had long sought the supreme power. But these philosophical developments of character have had less connexion with the common sense of their

* Hallam, II. 92.

authors, than with their imagination and their passions. They have now nearly reached their merited oblivion. The facts in the life of Cromwell which have been thus explained, have required, generally, on account of their own circumstances, to be otherwise interpreted; and, in several instances, should have been secure from such comments, on account of their connexion with other occurrences, which, if they have any meaning, must be allowed to speak a different language. The truth is, that "power had fallen into his hands, because they alone were fitted to wield it; he was taught, by every succeeding event, his own undeniable superiority over his contemporaries, in martial renown, in civil prudence, decision of character, and in the public esteem which naturally attached to these qualities."* This judgment, after the many attempts that have been made during two centuries to induce a less favourable one, is now that of almost every man whose opinion on such a matter is worth regarding. Cromwell may not have been always sincere in his attempts to manage the conflicting parties around him: it is unquestionable that he often concealed his real sentiments, and sometimes appeared to favour opinions that were by no means his own. His difficult circumstances, and the importance of the ends which he proposed, were allowed to reconcile his mind to the use of these doubtful means. But, after all, who can determine the number of those points in which it is beyond doubt that he was wrong and his censors right, or the degree in

* Ibid.

CHAP. II. 1651.

which he was himself deceived; deceived, we mean, not merely by circumstances, or other men, but by his own ardent nature? It is probable, that before obtaining his laurels at Worcester, he had not been without anticipating some office of permanent rank and value, as the reward of his splendid services. That he had then thought of any thing more than this is a conclusion on which history is silent,—or rather one to which it is generally opposed.*

Conduct of the parliament.

While the army was so successfully employed in Ireland and Scotland, the parliament proceeded with vigour in supplying the sinews of war, and in conducting the general affairs of government. Its members deserved well of their country, and made considerable advances in popular favour.

Return of the army. Sept. 17.

But with the return of Cromwell and his followers to their quarters in England, the statesmen

* Even Hume concedes that it is not until this crisis that Cromwell can be shewn to have "entertained thoughts of taking into his hand the reins of government." According to this writer, he was so elated at Worcester, that he would have knighted Lambert and Fleetwood on the field, if not dissuaded from it. The only reference for this statement is Whitelocke, 523; but in that place the memorialist is noticing events belonging to the close of the next year, and gives no hint of any thing resembling the story told by Mr. Hume. Mrs. Hutchinson, referring to the king as having corrupted several of the officers while at Hampton Court, adds, "but to speak the truth of all, Cromwell was at that time so incorruptibly faithful to his trust, and to the people's interests, that he could not be drawn in to practise his own natural dissimulations."—II. 111. Cromwell abandoned the king as the honest-hearted Ireton abandoned him—from finding that it would be madness to trust him. "The king uttered these words to him, 'I shall play my game as well as I can.' Ireton replied, 'If your majesty have a *game* to play, you must give us also the liberty to play ours.' Colonel Hutchinson privately discoursing with his cousin about the communications he had had with the king, Ireton's expressions were these: 'He gave us words, and we paid him in his own coin, when we found he had no real intention to the people's good, but to prevail, by our factions, to regain by art what he had lost in fight.'"—Ibid.

at Westminster began to lose their independence. The officers complained, that none of the measures recommended in the agreement of the people had been adopted; and it was widely insinuated, that the reason of this was not to be sought in the patriotism of the parliament, so much as in the reluctance of its members to forego their power, or to relinquish their shares in the forfeitures of political delinquents. To silence the last reflection, an act of amnesty was passed with respect to all offences committed before the battle of Worcester; and the previous charge was somewhat softened by a resolution which limited the continuance of the present parliament to 1654, an interval of three years.* Nov. 18.

Cromwell's question respecting a monarchical power.

The "agreement of the people" was drawn up on the principles of a strict republicanism. But before it came to be acted upon, Cromwell procured a select meeting of his friends, partly from the army and partly from the parliament, to whom he submitted the question—whether, in applying them-

* Parl. Hist. III. 1373, 1375, 1376. Cromwell and St. John brought in the "yeas" on this occasion, which were forty-nine to forty-seven.—Whitelocke, 485—490. This writer has described the general's entry into London, after the battle of Worcester: "Cromwell came to London in great solemnity and triumph, accompanied with the four commissioners of parliament, many chief officers of the army, and others of quality. There met him in the fields the speaker of parliament, the lord president, and many members of parliament and of the council of state; the lord mayor, sheriffs, and aldermen of London, the militia, and many thousand others of quality. There was a great guard of soldiers, horse and foot, and multitudes of people in the fields and in the streets. He was entertained all the way as he passed to his house with volleys of great and small shot, and loud acclamations and shouts of the people. He carried himself with great affability and seeming humility, and in all his discourses about the business of Worcester would seldom mention anything of himself, but of the gallantry of the officers and soldiers, and gave (as was due) all the glory of the action to God."—485.

CHAP. II.

selves to the proposed settlement of the nation, it would be best to establish an unmixed republic, or a constitution including a monarchical power. On this question the meeting was divided in nearly equal numbers. But among those who spoke in favour of monarchy, there was no one who ventured to turn aside from the Stuart family in search of the person who should possess that dignity. Cromwell had been addressed, for some time past, and from different quarters, in language which ascribed to him so much of the power of royalty, that we may perhaps excuse him if the result of this meeting was a little contrary to his expectations. He did not hesitate, however, to state, that his own mind was in favour of a monarchical power, if it could be introduced with safety to "the liberties of the people, as Englishmen and christians.*

Jealousy shewn by the parliament.

While the general was thus occupied, the parliament was employed in an attempt to diminish his power, by reducing the forces under his command. The comparative tranquillity of the three kingdoms seemed to require such a measure; and the material reduction of public burdens which was to follow, concurred to render the scheme acceptable to the country. But Cromwell managed to impede this measure, and when it was to be no longer deferred, allowed a deputation of officers to present a petition to the house, in which various complaints were urged, reflecting on the conduct of

Aug. 13.

that assembly. It was no secret that this was done with the general's knowledge, and Whitelocke

* Whitelocke, *ubi supra.* Lingard, XI. 164.

reminded him of the impropriety of suffering men in arms to associate as petitioners.*

1652. Cromwell's conference with Whitelocke. Nov. 7.

The effect of this remonstrance was to prepare the way for a conference between Whitelocke and Cromwell, in which the latter revealed his plans more fully than at the recent meeting, to which this wary lawyer had also been a party. The general referred to the dissatisfied state of the army, and the unyielding temper of the parliament, prognosticating an alarming collision between them, and professing to be perplexed as to the formation

* Lingard, XI. 165. "The danger of admitting *armed* assemblies to *deliberate*, and the duty of a soldier to *obey*, but not *debate*, are very *boldly asserted;* and as this doctrine suits the governors of every state, it will always be favoured; but it goes on a *petitio principii*,—a begging of the question, that the military are the *hired servants* of the state; and military men have so far agreed to this unjust postulate, that they have consented to accept that which is a nickname, or term of reproach, as the generic one of their whole profession, viz. 'soldier;' which is but a translation of the Italian *soldato*—mercenary or hireling. It has been repeatedly shewn how ill this term agreed with the parliament troops in general, being mostly volunteers and freeholders or burgbers, and ill, and sometimes not at all, paid. Were such men to be considered as mere machines, as having forfeited all right to an opinion of their own, and bound to support that of others? If so, then those who expected to maintain our constitution by putting arms into the hands of almost all whom patriotism, or the preservation of their property, animated to take them up, would have bereaved it of nearly all its defenders! With good right did these men, who had taken a pious engagement to God and their country, and most manfully acquitted themselves of it, call on the parliament to complete it by a happy settlement."—Hutchinson, 11. 98, *note*. It is not easy to conceive any thing more ungenerous than is the style in which these men were treated by the civil power, which they had preserved from destruction, and a large portion of the community which they had rescued from oppression. They suffered incalculably more, and hazarded incalculably more than any other class, for the public good, and as a reward have been treated to this day as parties who were not in the least to concern themselves about the manner of securing it! "It grew a sad wonder," says Mrs. Hutchinson, "that the most zealous promoters of the cause were more spitefully carried against their own faithful armies, by whom God had perfected their victory over their enemies, than against the vanquished foe."—97, 108. This remark is connected with the year 1647; but it applies in a great degree to the whole struggle, as extending from that time to the restoration.

CHAP. II. 1652.

of some third power that might serve to keep these rival claimants in their proper place. Whitelocke replied, that nothing was to be feared from the army while under the direction of its present chief; and as to controlling the parliament, as the nation knew of no power which was not derived from that source, the attempt would be unlawful. Here the question was abruptly put, "what if a man should take upon him to be a king?" It was answered, that this would be indeed to assume a new name, but a name which would bring new difficulties, without making any real addition to the power of which his excellency was already possessed. Cromwell spoke of that hereditary respect with which the kingly office had always been regarded by the English as a circumstance likely, in the supposed case, to aid his authority and afford protection to his friends. But Whitelocke describes himself as stating in reply, that this would be to make the late controversy terminate in a dispute about persons rather than principles, and as suggesting that the men who had engaged in it, while the choice was regarded as one between liberty and despotism, would probably desert it when relating chiefly to a distinction between the family of Cromwell and the family of Stuart. This was a very feeble view of the case, but on being pressed to state his opinion freely, his advice was, that the general should form a private treaty with the present Charles Stuart, which should secure to the country its liberties, and to his excellency a rank second only to that of the sovereign.*

* Whitelocke, 523—526.

It is certain that this scheme did not commend itself to Cromwell. Why it did not is a point on which his adversaries find no difficulty in deciding. His hesitation to act on the advice of Whitelocke resulted purely, it is said, from his own selfish ambition. But to calmer men it has appeared to flow from the cause which Cromwell himself assigns—a conviction that Charles Stuart could not forget the shedding of his father's blood, and that his return, under any conditions, would lead to an overthrow of whatever the war had effected, and to a summary disposal of the men who had been most efficient in conducting it.

It was not long after this conference that Cromwell disclosed to his friends the solicitude he felt to procure a dissolution of the parliament before its three years should have expired. The plan which he proposed was to form a council of state, consisting of forty persons, who should assume the functions of government until further arrangements should be made. The house was at the same time employed in preparations with a view to the formation of a new parliament. Few of these, however, were agreeable to the officers; and their opposition was especially raised by a clause which would have admitted the presbyterians, without the oath of fidelity to the existing constitution, though known to be generally opposed to it.* The members

April 19.

* Milton's State Papers, 109. Whitelocke, 529. The provision with regard to the presbyterians, which the plan for the new parliament was made to include, has been overlooked by our historians. Dr. Lingard has given it due prominence.—X1. 168. A parliament convened without laying any restraint on the election or proceedings of presbyterian representatives, would have led inevitably to the restoration of the Stuarts—the leaders of the army being placed at the mercy of the new sovereign. The law of

CHAP. 11. 1653.

were sensible of their danger, and lest violence should interpose before this provision had obtained the force of law, it was resolved to pass it without delay, and then to dissolve the parliament.

Cromwell was in deliberation with the officers when a partisan from the house conveyed to him information of what was doing. To have hesitated would have been to allow that to become law which, if acted upon, must have led to his ruin, and that of his followers. He suddenly left his residence, followed by a company of soldiers. His friends may have conjectured, but no man knew the object of this movement. On entering the lobby of the house his followers were told to remain at the door. Cromwell entered, and took his place on one of the upper benches; his dress was a plain suit of black, with grey worsted stockings.* He listened for some time, and with apparent interest, to the discussion, but as the speaker was about to put the motion, he said to colonel Harrison in a whisper, "This is the time, I must do it." He then rose, and removing his hat from his head, spoke for a short time to the question about to be decided, admitting, with calmness of manner, the propriety of certain arguments that had been employed in its support. Proceeding he became more empassioned, and began to indulge in violent language, charging the house with self-seeking, with the denial of justice, with acts of oppression, with open

self-preservation would have prompted a more scrupulous man than Cromwell to have done some doubtful things rather than submit to such an evil.

* In the course of the civil war, "worsted-stocking men" had become a phrase expressive of a class of persons both in the army and the parliament who contrived to be persons of importance without belonging to the rank of "honourable gentlemen."—Hutchinson's Memoirs, II. 72.

profanity, with courting the lawyers for the mere purpose of tyranny, and above all, with planning, at this moment, to bring in the presbyterians, that they might destroy the cause which they had so basely deserted. All this they had done to promote their own little interests, and in a perfect recklessness as to the fate of men who had endured all hardships for the state, fought for it, and bled for it! Sir Peter Wentworth here rose, and protested against this sort of address, especially as coming from a man who was indebted to that assembly for every thing that distinguished him. CHAP. II. 1653.

Cromwell, on hearing this, darted from his place to the centre of the house, exclaiming, "Come, come, sir, I will put an end to your prating!" For a few moments he paced backwards and forwards, deeply agitated; he then stamped on the floor, and, glancing around him, exclaimed, "You are no parliament! I say you are no parliament! Bring them in; bring them in!" The door immediately opened, and a colonel, with more than twenty soldiers, descended to the floor of the house. Sir Henry Vane cried, indignantly, "This is not honest; it is against morality and common honesty." Cromwell instantly retorted, "Sir Harry Vane; O, sir Harry Vane; the Lord deliver me from sir Harry Vane! *He* might have prevented this. But he is a juggler, and has not common honesty himself." Similar abuse was poured on Whitelocke. Pointing to one member, he cried, "There is a drunkard;" to two others, "There are whoremasters;" and so to several beside. Turning to the guard, he commanded them to

He expels the members. April 20.

CHAP. II. 1653

clear the house. The speaker was then led from the chair. Algernon Sydney, who sat next, was forced from his place; and the members generally, on being pressed by the military, rose and moved toward the door. As Cromwell saw their backs turned, the possible consequences of this violence appear to have flashed upon him. "It is you," he added, "that have forced me to do this. I have sought the Lord both day and night that he would rather slay me than put me on the doing of this work." To alderman Allen, treasurer of the army, this language seemed like that of a half repentance: he ventured to rejoin, that it was "not too late to undo what had been done." But the general, as if startled by the comment that seemed to be put on his words, charged the alderman, in the same breath, with peculation in his office, and gave him to the keeping of the guard. When the members had disappeared, he looked on the mace, and inquired, "What shall we do with this fool's bauble?" He then ordered it to be removed; commanded the doors to be locked, and, with the keys in his possession, proceeded to Whitehall.*

And dissolves the council of state.

In the afternoon of the same day, Cromwell entered the room where the council of state had been wont to assemble. Most of the members were present. Bradshaw, the lawyer who had presided at the king's trial, and whose republicanism was that of an ancient Roman, occupied the chair.

* Whitelocke, 529. Burton's Diary, III. 98. Ludlow, II. 18—21. Leicester's Journals, 6, 139, 140. Whitelocke says that "all honest and prudent indifferent men were highly distasted at this unworthy action."

The general informed the persons convened, that, if assembled as private persons, he could welcome their meeting; but if sitting as the council of state, he must remind them that their existence in that capacity had terminated with the parliament—a body which, as they could not but know, had been dissolved some hours since. Here, however, Cromwell encountered one man who knew as little of fear as himself. Bradshaw, though not immediately addressed in this speech, rose at the conclusion of it, and, with the haughty feeling of another Cato, replied, "Sir, we have heard what you did at the house this morning, and before many hours all England will know it. But, sir, you are mistaken to think the parliament is dissolved. No power under heaven can dissolve them but themselves; therefore, take you notice of that." It does not appear that any answer was given to this dignified reproach. This may have happened from the abruptness with which the council quitted the apartment; or, it may be, that Cromwell remained silent, from that consciousness of degradation which the language he had heard was so fitted to produce.*

* Ludlow, II. 23. It has been justly remarked here, that "there had so long been an end of law, that one usurpation might seem as rightful as another. But while any house of commons remained, there was a stock left from which the ancient constitution might possibly germinate."—Hallam, II. 98. Yet the nation was prepared for such a measure, though its better portion was considerably apprehensive as to what would follow such a mode of dissolution. The checkered course of this memorable parliament has afforded ample materials for eulogy and reproach, so that its character is not to be learnt from the language of partisans on either side. Its corruptness, especially with respect to the offices retained by its members, for some time before its dispersion, was long a favourite theme with the royalists. Clement Walker's "Good Old Cause," published soon after the Restoration, exhibits nearly two hundred names as liable to this censure. But it has

CHAP. II.

1653. Disaffection of the presbyterians during the commonwealth.

These changes were closely watched by the episcopalians, and also by the presbyterians, both of whom were now to be regarded as determined royalists. To both, this last event seemed to promise many things favourable to the return of Charles Stuart. The great majority of the presbyterians had never contemplated the destruction of monarchy. But the strong attachment which they now felt to the royal interests resulted in a great degree from the circumstance, that the fall of sovereignty had involved that of the covenant.* Never had the episcopalian clergy shown themselves more opposed to the authority of parliament than did a large portion of the presbyterian

been shewn, by Mr. Godwin, that this writer founds his conviction mainly upon error—upon a self-denying ordinance that was rejected, and upon an evident misunderstanding of that which was adopted. — Commonwealth, III. 474—477. A third of the members named are accounted corrupt, simply for holding offices in the army or navy! Yet, even in Cobbett's Parliamentary History, Clement Walker's shameless libel is printed as a trustworthy document. Nor is this the only improper insertion in the third volume of that useful work.

* Mrs. Hutchinson supplies many illustrations of the bitterness of this sect, especially in reference to the army chaplains, and the sectaries. The instance which follows occurred a little before the king's death: "She (lady Fairfax) was exceeding kind to her husband's chaplains, independent ministers, till the army returned to be nearer London, and then the presbyterian ministers quite changed the lady into such a bitter aversion against them, that they could not endure to come into the general's presence while she was there; and the general led an unquiet, unpleasant life with her, who drove away from him many of those friends in whose conversation he had found such sweetness. At Nottingham they had gotten a very able minister into the great church, but a bitter presbyterian; him and his brethren my lady Fairfax caressed with so much kindness, that they grew impudent to preach up their faction openly in the pulpit, and to revile the others, and at length would not suffer any of the army chaplains to preach in the town. They then coming to the governor, and complaining of this unkind usage, he invited them to come and preach in his house, which, when it was known they did, there was a great concourse of people come thither to them; and the presbyterians, when they heard it, were mad with rage, not only against them, but against the governor."—II. 102.

ministers during the commonwealth. An oath was introduced, called the engagement, the object of which was to bind the parties adopting it in submission to the existing government. It was imposed first on all persons holding civil or military offices; it was next extended to the clergy; and at length to many of the people. That it should be frequently refused by the clergy who had sworn fidelity to the covenant was to have been expected; but it is not easy to vindicate their conduct as the loud and busy adversaries of a government which had in so many things befriended them. They refused to observe the days of fasting or thanksgiving appointed by its authority; nor could they be induced, as was the custom of the age, to read the ordinances of parliament from the pulpit. The most active of this party were known to be in communication with the Scots, and anxious that the plans which were frustrated by the defeat at Worcester might have been realized. Even Baxter denounced the enterprise against the Scots as sinful, and employed his eloquence to dissuade the soldiers from engaging in it.*

Conciliatory measures of the government.

In attempting to curb this waywardness the parliament had proceeded with caution. Persons were appointed to negotiate with the malcontents, and to assure them of the protection of govern-

* "The body of the presbyterians acted in concert with the Scots for restoring the king's family, on the foot of the covenaut; several of their ministers carried on a private correspondence with the chiefs of that nation, and instead of taking the engagement to the present powers, called them usurpers, and declined praying for them in their churches; they also declared against a general toleration, for which the army and parliament contended."—Neal, IV. 7, 8, *et alibi.* Baxter's Life, p. 64, 66. Parl. Hist. III. 1288, 1305, 1319—1334. Baillie, II. 346—349, 367.

CHAP. II. 1653.

ment, and of the security of their preferments. From those who were not to be won by such assurances it was exacted that they should at least abstain from meddling with affairs of state; and, with respect to those who should persist in vilifying the civil power from the pulpit, it was resolved that their conduct should fall under the cognizance of a committee, who should be empowered to deprive them of their livings.

The Scots encouraged these disorders, and the parliament addressed a remonstrance to their erring brethren in both nations, complaining of the injustice which made an exclusive establishment of their ecclesiastical polity the indispensable condition of their friendship. They say, however, "We are still determined not to be discouraged in

1649. Sept.

our endeavours to promote the purity of religion and the liberty of the commonwealth, and for the satisfaction of our presbyterian brethren we declare that we will continue all those ordinances which have been made for the promoting a reformation of religion in doctrine, worship, and discipline, in their full force, and will uphold the same in order to suppress popery, superstition, blasphemy, and all kinds of profaneness. Only we conceive ourselves obliged to take away all such acts and ordinances as are penal in matters of conscience. And because this has given so great offence, we declare, as in the presence of God, that by whomsoever this liberty shall be abused, we will be ready to testify our displeasure against them by an effectual prosecution of such offenders."*

* Parl. Hist. III. 1324.

To soothe these infallible theologians still further it was resolved, that the dean and chapter lands, excepting those of Christchurch and of the great public schools, should be sold. The money obtained from this source, and from the sale of the bishops' lands sequestered in 1646, was applied, under the management of a committee, to the augmentation of poor livings. It was even decided that presbyterianism should be the established ecclesiastical polity, and that the law relating to tithes should not be disturbed until an equivalent, equally certain, should be provided in the place of them. Still the sectaries were to be tolerated through the nation, in the universities, and, under certain restrictions, within the establishment itself; and this delinquency in the bearers of the sword was enough to keep a formidable number of the English covenanters in a state of avowed hostility. This obstinacy of the presbyterians rendered a promotion of the independents inevitable. They accordingly saw these hated sectaries placed in many vacant livings, and, what was greatly more humiliating, found themselves almost excluded by them from the places of honour in the universities.*

Execution of Love.

But the blow which humbled this proud aristocracy the most, was the execution of Love, one of their most popular preachers. This divine had distinguished himself in the cause of the parliament, while that assembly was pledged to the covenant; and of late had resisted its authority

* Neal, IV. 8—25. The tithes were saved by a majority of twenty-seven to seventeen.—Parl. Hist. III. 1377.

CHAP. II. 1651.

with equal vehemence, because that pledge was revoked. On his trial it was proved that a conspiracy had been carried on at his house; that monies, collected in aid of Charles Stuart, and of his adherents in Scotland, had been laid on the table of the prisoner; and that he was moreover acquainted with the contents of certain treasonable letters which had passed between his associates and their correspondents. His condemnation called forth numerous petitions in his favour; the parliament deferred execution of the sentence; and after a while, transferred the matter to the decision of Cromwell, who was in Scotland. The zeal of the petitioners was thus diverted from the senate to the general, who remained silent until the day of execution arrived, and the sentence was then enforced. After the death of Laud, under a similar charge, and upon the same block, there was not much in this event that should have occasioned surprise. But among the English presbyterians it created a feeling of astonishment and alarm hitherto unknown to that party. It was now seen that devout and popular preachers were not to parley with treason, any more than popish prelates.*

Aug. 22.

Toleration in Scotland.

This memorable occurrence was nearly connected with the successes of the English army in Scotland. The triumphs of Cromwell enabled him to extend a similar arrangement of ecclesiastical affairs to both nations;—much to the annoyance of those covenanters who, according to one class of

* Whitelocke, 487, *et seq.* Milton's State Papers, 50—77. State Trials, V. 43, *et seq.* "The Whole Trial of Mr. Love" was published in a quarto volume by his friends, with other documents, in 1652. The trial lasted six days.—Baillie, II. 347—349.

our writers, were advocates of the noblest principles of freedom; according to others, a kind of frenzied military saints, in almost total ignorance of those principles.*

State of religion in England at this time.

The conformity insisted on by the English parliament was much more tolerant than any thing to be found in the history of this country either before or since. Their liberality, indeed, did not extend to the catholic worship, nor to the open use of the episcopal liturgy; but these were exceptions made on a political, rather than a religious ground.† Among the clergy a large majority were presbyterians, who, as far as any form of church government can be said to have

* Baillie, II. 370—380. "We must permit a few heady men to waste our church, with our consent and connivance; we must let them frame our people to the sectarian model."—375. This followed the state of feeling which had branded all moderate men "in church, state, and army," with being "either sectaries or malignants."—339. So far was "this cursed army of sectaries" from being "brought to their deserved ruin." And when, hoping to see the prince restored to the throne, the fear of Baillie, and still more, of the majority of his countrymen, was, that it would be with the establishment of an "Erastian weak presbytery, a toleration of popery and episcopacy at court, and of divers sects elsewhere."—298.

† Cromwell addressed a letter to the parliament before his embarking for Ireland, entreating that body to make some provision for tender consciences; and at the same time a petition was presented by Fairfax from the council of officers, praying "that all penal statutes formerly made, and ordinances lately made, whereby many conscientious people were molested, and the propagation of the gospel hindered, might be removed. Not that they desire this liberty should extend to the setting up of popery, or the late hierarchy, or to the countenancing any sort of immorality or profaneness; for they earnestly desire that drunkenness, swearing, uncleanness, and all acts of profaneness might be vigorously prosecuted in all persons whatsoever." A committee was immediately appointed for this purpose, and in the ensuing spring (1650) a bill to this effect was passed. But the toleration of the commonwealth did not extend to Socinianism, which was regarded as blasphemy, and exposed its earliest advocates in this country, Fry and Biddle, to prosecutions—the first was excluded from his place in parliament; the last was imprisoned. The same proscription was extended to the promulgation of certain demoralizing tenets, and the exhibition of some "obscene, licentious, and impious practices" on the part of the ranters and others.—Whitelocke, 404, 405. Parl. Hist. III. 1347, 1351. Godwin, III. 506—513. Scobel, 121—124.

CHAP. II. 1649—1653.

been established, were the established priesthood. But with these, as we have intimated, some independent or congregational divines were associated, and a few of the baptist denomination; and as the only civil disqualification for preferment was a promise of submission to the present government, there were many episcopalians who retained their cures—some from being the advocates of a reformed episcopacy, others from supposing that no form of ecclesiastical regimen is of divine right; and not a few, perhaps the larger number, from being more solicitous to avoid secular inconvenience than about any religious differences of the period. This class of persons, though they might not read the liturgy, were allowed to make a free use of it in conducting the devotions of the people.

According to some, this departure from the laws of conformity—the object of so long and so bitter a contention—was the reproach of the power that sanctioned it. But it conduced to peace, to the increase of pastoral vigilance, and the advancement of general religion. Amid all the excess and grimace, the cant and hypocrisy, that belong to this age, it may be doubted whether England has ever possessed so large an amount of conscientiousness, morality, and sincere devotion, as during the brief day of her commonwealth. "It is freely admitted," says a late judicious writer, "that no religion was necessary to make a man talk about seeking God, to lead him to hear many sermons, and even to make long prayers. All these things were done by many whose conduct discovered that their pretensions were more than questionable. But when we find along with these, fervent zeal

for the fruits of righteousness, the glory of God, and the spiritual and temporal well-being of men; active labours in preaching the gospel; a patient suffering on account of it; the aspect of religious profession becomes very different. It is impossible to doubt the sincerity of such persons. Yet such were multitudes in the days of Cromwell, who are reckoned fanatical precisions, or designing knaves. These very persons became, in the days of the second Charles and James, confessors and martyrs for the truth. The two thousand ejected ministers, and the ten thousands of the people, who suffered the loss of goods and of liberty, of country, and even life itself, were, for the most part, the generation of the commonwealth. Their conduct, perseverance, and sufferings, show that they were not the sickly dreamers they have been reckoned; but men of elevated and scriptural piety.*"

* Orme's Life of Owen, p. 245. Nothing could be more deplorable than the state of Oxford, when, at the close of the war, it passed from the hands of the episcopalians to those of the presbyterians, or rather of the independents. Most of its colleges and halls were in a dilapidated and almost deserted state, occupied by the military, converted into magazines, or rented by the townsmen. Five were without an inmate. Scarcely any traces of the work of education could be seen; its treasure was consumed, its debts multiplied, and its general appearance that of poverty and ruin. The wonder is, not that this chaos failed to disappear as soon as the change of government consigned it, in some measure, to new management; but, rather, that so much of it should have been removed during the brief and troublous ascendancy which followed. — Walker, p. 124, and Neal, *ubi supra*. Clarendon's account of Oxford, as it was found at the restoration, is as follows, and reflects the highest honour on the character of its new masters: "It yielded a harvest of extraordinary, good, and sound knowledge in all parts of learning; and many who were wickedly introduced, applied themselves to the study of learning and the practice of virtue. So that when it pleased God to bring Charles the second back to his throne, he found that university abounding in excellent learning, and little inferior to what it was before its desolation."—See Clarendon, III. 246, 298, 317, 350. V. 169, 481, 482; and Orme's Owen, 169—187.

THE PROTECTORATE.

CHAP. I.

GOVERNMENT.

CROMWELL'S DEPENDANCE ON THE ARMY.—ASSEMBLES A PARLIAMENT—CHARACTER OF ITS MEMBERS — THEIR PROCEEDINGS — DISSOLVED.—INSTRUMENT OF GOVERNMENT ISSUED. — A NEW PARLIAMENT—CROMWELL CHECKS ITS DISCUSSIONS—RESTRAINS ITS MEMBERS—DISSOLVES IT.—SPREAD OF DISAFFECTION. — CROMWELL DECLINES THE TITLE OF KING.—NEW PLAN OF GOVERNMENT.—MEETING OF THE TWO HOUSES—PROCEEDINGS OF THE LOWER HOUSE—PARLIAMENT DISSOLVED.—STATE OF PARTIES.

CHAP. I.

1653. Cromwell's dependance on the army.

It was by his known influence over the army that Cromwell had succeeded in dissolving the late parliament; and, as that measure had greatly increased the number of his adversaries, it behoved him more than ever to cultivate the good opinion of the men under his command. The character of that body, when employed a short time before in the reduction of Ireland, is thus described by the pen of its leader: "Their diligence, courage, and behaviour are such, through the providence of God, and strict care of the chief officers, that never men did obey orders more cheerfully, nor go upon duty more courageously. Never did greater harmony and resolution appear to promote the cause of God than in this army. Such a consent of heart and hands—such a sympathy of affections—not only in carnal, but in spiritual bonds, which tie faster than chains of adamant.

I have often observed a wonderful consent of the officers and soldiers upon the ground of doing service to God, and how miraculously they have succeeded. The mind of man being satisfied, and fixed on God, and that the undertaking is for his glory, it gives the greatest courage to these men, and prosperity to their actions."*

A parliament.

Cromwell knew his countrymen too well not to be aware that his own ascendancy must be of short continuance, unless sanctioned by the semblance, at least, of parliamentary authority. But to have convened a parliament on the principles hitherto acted upon, or on any one of the schemes recently proposed, would have been to bring about such a collision of parties as would render it impossible to say what shape affairs would ultimately assume. His own destruction was not among the least probable consequences of such a measure. The course which was at length adopted is not to be understood without bearing in mind the religious character of the army, the body by which the lord-general had accomplished all his enterprises, and on which he was never more dependant than at this juncture. This course was to form a deliberative assembly, which should consist of about a hundred and fifty persons, who were to be chosen by Cromwell and his council, from an extended list of names, procured for the purpose, from the different religious communities or churches through the country. Of this number one hundred and twenty assembled. Cromwell vested them with supreme power, which they were

June 6.

July 4.

* Whitelocke, 434.

CHAP. I. 1653.

to exercise during fifteen months. At the expiration of that term they were to resign their place to others; but their successors were to be chosen by themselves.*

Character of its members.

The first object of the new legislature was to consecrate the place of their meeting by religious exercises—a proceeding which may be thought to corroborate the assertion, that this parliament was composed of the most illiterate mechanics. This assertion, however, is deserving of as little attention as many others which have the same origin. Among these men there was not one who needed the privilege of parliament as a security from arrests—a novel circumstance we may believe in the history of such assemblies. Some were wealthy, and all were possessed of independent fortunes.†

* The instrument which convened these parties was "signed and sealed by the general and the officers, obliging themselves to be obedient to their orders" (Parl. Hist. 111. 1390); and the election was made from different places in England, Ireland, and Scotland, "as near as might be proportionable to their payments toward the public charge." Cromwell delivered a long and characteristic speech to this convention, a great object of which was to justify himself in having dissolved the late parliament. He states that himself and the officers were desiring to know whether, according to the proposed plan of election, "the next parliament were not likely to consist of all presbyterians? And though," he adds, "it be our desire to value and esteem persons of that judgment, only they having, as we know, deserted this cause and interest upon the king's account, and on that closure between them and the neighbour nation, we do think we had as good deliver up our cause into the hands of any, as into the hands of interested and biassed men."—Ibid. 1398. "I beseech you have a care of the whole flock; and if the poorest Christian, the most mistaken Christian should desire to live peaceably and quietly under you, let him be protected. . . . We have very many papers from the churches of God throughout the nation, wonderfully approving what hath been done in removing obstacles, and in this very thing."—Ibid. 1390—1406.

† It was in this parliament that a leather-seller, named, in the quaint fashion of the age, "Praise God, Barebone," obtained a place; and that the whole assembly might be thought as fanatical as this absurd name suggests, it has been called Barebone's parliament. If the reader, however, will look at the list of members (Parl. Hist. 111. 1407—1409), he will see

CHAP. I.

1653.

It soon became evident, also, that the objects to which their attention was directed, were of the highest practical importance, and such as must ultimately have rendered them popular, had the wisdom which selected the end been equally manifest in the choice of the means. Cromwell found in them a fearlessness of character which he could hardly have anticipated; but he knew how to make even this circumstance conducive to his plans. These inexperienced senators were allowed to indulge in their projected innovations until they had surrounded themselves by a host of powerful adversaries. Among these were the lawyers and the clergy. But when a proposed reformation of the law, and an abolition of tithes, was followed by a plan to reduce the army, the only remaining friends of the "Little Parliament" passed over to the rank of its assailants. Cromwell now interposed; and in putting an end to the responsibility of this singular convention, appeared to be conferring a benefit on all parties. Its peaceable dissolution was followed by the elevation of his excellency to the name and office of lord-protector.*

Their proceedings.

Dissolved.

Dec. 12.

It is difficult to conceive what Cromwell could have done wisely at this crisis in the place of what he did. The instrument of government which created him protector, vested him with no power, upon the whole, beyond what the fallen constitu-

Instrument of government issued.

Dec. 16.

that there is not another quaint name among them, and that the proportion of Scripture names is remarkably small—quite as small as would be found in the same space in either house of parliament at this day. The story about the Sussex jury, so commonly reiterated on this subject, is copied from a foreigner's account of England, and is, I doubt not, an instance of that love of fiction with which travellers are often led astray.

* Parl. Hist. III. 1410—1415. Lingard, XI. 185—201.

CHAP. I. 1653.

tion had conceded to the executive. The parliament which it proposed to convene, was still to be the seat of sovereignty; and what was more, the chief magistrate now introduced, possessed no negative voice on its proceedings. Until that body should assemble, the protector was empowered to publish temporary ordinances; but from the day of its meeting the legislative authority was to reside exclusively in the representatives of the people. This scheme of course included the usual clause on liberty of conscience. The nation had to choose between this policy on the one hand, and the extravagance of certain narrow-minded religionists on the other. There was indeed a small knot of purely political republicans, but these were in fact more turbulent and sectarian than any party of the age.*

A new parliament.

In the elections, with a view to the new parliament, the plan of suffrage remained unaltered in the boroughs; but in the counties, the elective

* Parl. Hist. III. 1417—1477. The "instrument" had declared the protectorate elective. But a little before the dissolving of this assembly, it was moved by some of the friends of Cromwell that it should be hereditary in his family. This was lost by a majority of two hundred against eighty. The same document placed the command of the forces in the protector's hands, with "consent of parliament," and with that of a majority of his council between the sittings of parliament. It excluded all persons from holding a place in parliament, who had committed themselves against the public cause since 1641, unless they had given "signal testimony" of better affections; and excluded catholics from voting at elections. Its provisions to secure the return of a parliament every three years, were similar to those of the triennial bill. The chancellor, neglecting to issue the writs at the proper time, became liable to the penalties of treason. The toleration promised was not to be extended "to popery nor prelacy, nor to such as under the profession of Christ hold forth and practise licentiousness." In his speech at the opening of this parliament, the protector also assured the members that he had "endeavoured to put a stop to that heady way of every man making himself a minister and a preacher, ... having committed that work to the trust of persons both of the presbyterian and independent judgments."

franchise was extended so as to include all persons possessed of real or movable property, to the value of 200*l*. The parliament thus chosen, consisted of four hundred members, in which number was a considerable body of presbyterians, and some active republicans. CHAP. I. 1654. Sept. 4.

These parties, though much at issue with each other, were soon found to be united in their opposition to the power known under the revived name of the court. All the articles in the protector's instrument of government were made the matter of debate, and one motion relating to his authority was lost. Cromwell now deemed it expedient to interfere. He reminded the house, that while the minor articles of that instrument were open to discussion and modification, there were four of its provisions that must be considered as unalterable. These provisions were, that the government should be by a single person, in distinction from a commonwealth; that this person should possess command of the forces; that parliament should not be perpetual; and that liberty of conscience should be granted to all men conducting themselves as peaceable subjects of the state. Cromwell checks its discussions.

This communication was made in the painted chamber, and when the members returned to the house, a guard was found at the door, who required their signatures to a paper, binding them to silence on the above articles. Every fourth man refused: the proceedings of the remainder continued to be characterized by unfriendliness toward the "single person" at the head of the government; and when a majority would have set aside the family of Restrains its members.

CHAP. I. 1654.

Cromwell, by declaring the office of Protector elective, his patience was exhausted, and he braved the consequences of abruptly dissolving the assembly.

Dissolves it.

Spread of disaffection.

The feeling excited by this event was more violent than had been exhibited since the death of the king. Indignation and conspiracy were diffused through the country, and nothing but the strong hand of military despotism could have saved the government from being at once overpowered.* The hatred which the leading parties bore to each other, renders it exceedingly doubtful whether the fall of the existing power was at this moment desirable, notwithstanding the arbitrary measures, unparalleled in our recent history, which now emanated from it. This menacing disaffection was in some measure counteracted by the protector's nobleminded interference in behalf of the persecuted Vaudois, and by the greatness and success of his foreign policy.†

January.

New parliament.

But to support this policy required the constant employment of a force, and especially a navy, that

* Whitelocke, 598—602. Major Wildman was seized while dictating a powerful paper, entitled, "The Declaration of the free and well-affected People of England, now in arms against the Tyrant Oliver Cromwell, Esq." —Milton's State Papers, 132, 133. Thurlow's State Papers, III. 29, 77. The effect of this movement, on the part of the republicans and royalists, who were equally concerned in it, was to justify Cromwell in keeping up a large force; and the latter were decimated—made to contribute a tenth of their estates—"to support the charge which the commonwealth was put to by the unquietness of their temper, and the just cause of jealousy which they had administered."—Clarendon, VIII. 41, 42, 100—104, 109, 111, 129—146, 160—165. The leaders in the rising of this party were several of them executed at Salisbury and Exeter, and others were sent to the plantations. But these severities were restricted to the royalist offenders.—State Trials, V. 767, *et seq.*

† Whitelocke observes, at this time, that Cromwell and his council "were very busy in framing new ordinances to please the people."—601. This was no illegitimate method of counteracting the machinations of his enemies.

was not to be kept up without making large demands on the property of the nation; and there was no disposition to submit to these, unless imposed with some appearance of legality. Hence, in less than twelve months after dissolving his second parliament, Cromwell found it necessary to convene a third. The new elections rendered it manifest that the feeling of the country was that of growing disaffection to the government. Every expedient was tried to influence them in favour of the court. The clauses of the instrument which precluded so large a number of the dissatisfied from appearing either as candidates or electors; the imprisonment of such republicans as Vane and Ludlow; the disabilities imposed on others; and the intrusion of military parade and authority in many districts where the elections were conducted, — all were resorted to, and all were insufficient to secure the object intended by them.

Members excluded.

But it was resolved that a severe scrutiny should be instituted with regard to the successful candidates. Care was taken to obtain the best information respecting them; and, by the protector and his council, nearly a hundred were declared to be ineligible on account of their moral or political delinquencies.*

Cromwell's speech. Sept. 17. 1656.

When the representatives assembled, Cromwell reminded them of the war with Spain, and of the enmity so long shewn by that power toward every thing protestant and English. He spoke of Charles Stuart, who was soliciting aid in every direction,

* Ludlow, II. 114—122. Thurloe, V. 269, 317—424. Parl. Hist. III. 1478, 1479, 1483, *et seq.*

CHAP. I. 1656.

for the purpose of invading the kingdom; and of the partisans of that exile at home, including cavaliers and papists, who were now joined with levellers and fifth-monarchy men, in a common league of hostility against all existing authorities.

The first question which engaged the attention of the house was, the authority of the council to judge with respect to the qualification of members. This, it was not difficult to shew, was founded on the instrument of government; and, by a vote in support of what the council had done, it became evident that, at present, the court could command a majority. The debate on this subject was conducted with much warmth; and several speakers manifested their weakness, as much as their resentment, by a voluntary secession from their colleagues. There was also a remonstrance published by the parties excluded, and in language which bespoke their indignation and their courage. Cromwell allowed it to pass unnoticed.*

The earlier proceedings of this assembly were highly favourable to the objects which the protector's speech had submitted to its consideration. Arrangements were made with a view to the safety of his person; the war with Spain was to be prosecuted; the family of Stuart was solemnly renounced; and the sum of 400,000*l.* was voted for the uses of the government. But these blossoms were long in yielding fruit.†

Proposal that Cromwell should be king.

During the weeks, or rather the months, that were occupied in debates, chiefly as to the best means of raising this sum, a question, which had

* Whitelocke, 640—643. † Parl. Hist. III. *ubi supra.*

long occupied the thoughts of Cromwell, became a topic of discussion with the members, and one of various interest with the several parties through the nation. It was no less a question than the restoration of monarchy in the person of the present protector; and also of the "other house" of parliament. A plot against the life of the chief magistrate was at this time detected; and a member expressed his wish that the house should frame an address to the protector, expressing its solicitude for his preservation. Another rose, and said, "That which the gentleman has moved will do very well for your directions as to the first part of your speech. I would have something else added, which, in my opinion, would tend very much to the preservation of himself and us, and to the quieting of all the designs of our enemies—that his highness would be pleased to take upon him the government according to the ancient constitution, so that the hopes of our enemies' plots would be at an end. Both our liberties and peace, and the preservation and privilege of his highness, would be founded upon an old and sure foundation." The speaker was Mr. Ash, who is described as "a grave and well-experienced person." After a short but passionate dispute, it was urged that the question should "be seriously debated, and a day appointed." *

Whitelocke, who, with most of the lawyers and courtiers, was favourable to the proposed change, shrunk, with his usual caution, from the

* Burton's Diary, I. 362—366.

CHAP. I. 1657. Feb. 18.

responsibility of introducing a motion respecting it. Alderman Pack was less scrupulous; but he had no sooner risen to propose reading a paper, described as tending to the settlement of the country, than several of the officers, suspecting the import of the document, forced him from his place near the speaker, down to the bar of the house. His friends, however, rose in his defence; and, notwithstanding this violence, the paper was read. It was entitled, "A Humble Address and Remonstrance;" it denounced the military power which, by the aid of major-generals, had extended its oppressions to every part of the country; and suggested that the protector should assume a higher designation, and be the head of a government, to be managed with the advice of two houses of parliament, according to ancient precedent. After much opposition from the officers generally, and from some leading persons beside, the substance of this paper was adopted, though, in its amended form, it was called "The Humble Petition and Advice."*

While this matter was in progress, Cromwell remained silent; but he could not be ignorant that it had marshalled some of his best friends and nearest relatives against him. Among the chief malcontents were Desborough, who had married the sister of the protector; Fleetwood, who was the husband of his daughter; and Lambert, the most influential soldier in the nation next to himself, and hitherto his most efficient friend. A

* Parl. Hist. III. 1490, 1491. Ludlow, II. 128. Burton's Diary, III. 160. Whitelocke, 665, 666. Thurloe, V. 74, 78.

council of officers was formed, who condemned the proposed constitution in violent terms, and a hundred of their number presented themselves to Cromwell, for the purpose of expressing their sentiments in relation to it.* CHAP. I. 1657.

The protector reminded the body before him, that, when a short time since they presented him the instrument of government, they had also presented him with the title of king. That title he rejected then, and he had now no concern to take it up; but, while his mind was the same, it was evident that other minds had changed; the reason of which he should not pretend to understand. He complained that his life had been that of a drudge to the army; calling parliaments or dissolving them according to their bidding and after their fashion. He remarked, in conclusion, says a contemporary, "that it is time to come to a settlement, and to lay aside arbitrary proceedings, so unacceptable to the nation. And, by the proceedings of this parliament, you see they stand in need of a check or balancing power. By their judicial power they fall upon life and member; and doth the instrument enable me to control it?" This speech is said to have "quieted" the officers, many of whom were afterwards found to have "fallen from the rest."†

That Cromwell was prepared to assume the new title is not to be doubted. But it was the fashion of the age to judge of principles by events. Had the voice of his friends been unanimous in recommending it, he would have regarded their

* Thurloe, VI. 93, 94, 101. Ludlow, II. *ubi supra.*

† Burton's Diary, I. 382.

CHAP. I. 1657.

concurrence as the voice of God, and it would have prevailed. Their disunion created perplexity, and, as in many similar instances, led him to talk about a question of conscience, where his only concern was with a question of policy. Hence the reply of the protector was, that though he approved entirely of the new constitution, "he did not find it in his duty to God and the country, to undertake the charge under the new title which was given him."*

April 3.

The parliament professed to be dissatisfied with this answer, and a committee was appointed to confer with his highness upon the subject. In this conference Cromwell inquired, whether, supposing the office of protector and king to be in substance the same, it was really desirable to offend the prejudices of many worthy persons for the sake of a mere name? He was also in doubt whether the introduction of such a title would not be a defection from the cause to which they were pledged, and which God had so signally owned. The scriptures, it was true, had sanctioned kingship; but it was no less true that the God of the scriptures had made his hand visible for its destruction. It was answered, and at much length, that the cause in which the people of England had embarked, was not against royalty, but against its excesses; and that there was equal defection, and as much to call down the displeasure of heaven, in the appointment of a single person at all, as in the restoration of monarchy. The substance of this conference was published; and Cromwell having

April 20.

* Burton's Diary, I. 397—416. Mercurius Politicus, No. 355.

employed himself for some weeks, in endeavouring to ascertain the real state of opinion on the point, especially among individuals on whom he chiefly depended, was understood to have decided on assuming the much-disputed name. At this moment he was informed by Lambert, and by his relatives, Fleetwood and Desborough, that, in case of his compliance, their names must be among those of the officers who would instantly resign their commissions. The protector's hesitation returned; a fiercer onset was commenced in the house; and, after nearly two months had been occupied with this agitating question, Cromwell sent for the members to Whitehall, and delivered his negative to their proposal.* CHAP. I. 1657. May 7. He declines the title. May 9.

The royalists feared nothing so much as his coming to an opposite decision; and the turbulent junta which constrained him to this course were to have their reward. That method of reasoning from events which had unhappily characterized the religious men of this age, is particularly observable in the conduct of Cromwell during this affair, and so is that proneness to dissimulation which had evidently grown upon him with his years and difficulties.

The settlement of this question was followed by his second inauguration as lord protector; a ceremony which vied with the splendour of a coronation.† His establishment also wanted little of the magnificence which had distinguished those of English sovereigns. June 26.

That which is chiefly observable in the new form of government, is the advance which it made New plan of government.

* Parl. Hist. III. 1491—1502. † Ibid. III. 1514—1518.

CHAP. I. 1657.

towards the more ancient institutions of the country. "The supreme authority was vested in the protector, but instead of rendering it hereditary in his family, the most which he could obtain was the power of nominating his immediate successor. The two houses of parliament were restored, but as if it were meant to allude to his past conduct, he was bound to leave to the house of commons the right of examining the qualifications and determining the claims of the several representatives. To him was given the power of nominating the members of the 'other house,' (he dared not yet term it the house of lords,) but in the first instance the persons so nominated were to be approved by the house of representatives, and afterwards by the other house itself. The privilege of voting by proxy was abolished, and the right of judicature restrained within reasonable limits. In the appointment of counsellors, the great officers of state, and the commanders of the forces, many of the restrictions sought to be introduced by the long parliament were enforced. In point of religion it was enacted, that a confession of faith should be agreed upon between the protector and the two houses, but that dissenters from it should enjoy liberty of conscience and the free exercise of their worship, unless they should reject the mystery of the Trinity, or the inspiration of the scriptures, or profess prelatic, or popish, or blasphemous doctrines. The yearly revenue was fixed at 1,300,000*l.*, of which no part was to be raised by a land-tax; and of this sum one million was devoted to the support of the army and navy, and 300,000*l.* to the expenses of

the civil list; but on the remonstrance of the protector, that with so small a revenue it would be impossible to continue the war, an additional grant of 600,000*l.* was voted for the three following years. After the inauguration, the commons adjourned during six months, that time might be allowed for the formation of the other house."*

Meeting of the two houses. Jan. 20.

When the two houses met, the ceremony performed bore a near resemblance to the regal custom. Cromwell took his place beneath a canopy in the upper house; received them together as "lords, and gentlemen of the house of commons," and, after a brief speech, called upon the lord keeper to address them. Sixty were summoned as peers, but among the fifty who attended, there were two only from the ancient stock.†

Proceedings of the lower house.

The constitution which gave existence to the upper house had materially altered the complexion of the lower. We have seen that it restored to the members their right of judging as to the disputed elections, and this right was now employed in calling upon the persons recently excluded by order of the council, to take their places in that assembly. The accession which followed was of men violently opposed to the present power, and their proceedings were the more injurious from the absence of some leading members, who, in the new arrangements, were removed to the upper house, where their services appear to have been little needed. It soon became evident, that the destruction of this new house of peers was the great object of the oppositionists in the commons. They

* Lingard, XI. 313, 314. See the document in Parl. Hist. III. 1502—1511.

† Noble's Memoirs of the Protectoral Family, I. 370. Parl. Hist. III. *ubi supra.*

CHAP. I. 1658.

professed to be at a loss to understand the propriety of conceding any precedence to a body which had derived its existence from themselves, the representatives of the people, and as such, the seat of all legislative power. Cromwell reasoned with them, and spoke of the confusion and disaster which must soon come on all their petty interests, if this spirit of determined partisanship were not put under some restraint. But he reasoned in vain. All subjects were forgotten in the zeal with which a powerful party applied themselves to discussions respecting the title and the rights that should belong to this new senate.*

At this crisis the protector had much to fear from the schemes of the royalists, and still more from the heavy arrears due to the army both in England and Ireland. There was a plan also set on foot to procure an abolition, not only of the upper house, but of the protectorate; and so boldly was it agitated by certain members of the parliament, and officers in the army, that a petition in its favour was known to be handed about in the metropolis to obtain signatures. There was no time to be lost. Without intimating his purpose to any man, the protector suddenly sent for the commons, reminded them of the unfriendly temper which they had shown, of certain intrigues in which they were many of them engaged; and on pronouncing the words, "I do dissolve this parliament," added, "Let God judge between you and me."†

Parliament dissolved. Feb. 4.

Thus ended Cromwell's last effort, with a view to restore the constitution of his country. His

* Burton's Diary, II. 371—464. † Parl. Hist. III. 1523—1527.

opponents trusted that the dissolution of this assembly would render him odious, and precipitate his fall; but they found him still powerful enough to crush their opposition, and active enough to meet them in all their paths of conspiracy.

State of parties.

To judge of his conduct with fairness, it is necessary to remember that there were four parties who now sought the supreme authority. These were the royalists, the presbyterians, the republicans, and the army. The certain object of the three former was the establishment of their respective schemes, all of which were, either essentially or from circumstances, schemes of tyranny. In this struggle the army succeeded, and, at the worst, merely became what the others, in the same station, would assuredly have become. The cavaliers of this period were little concerned about liberty either in church or state; the covenanters had no conception of a prosperous people who did not bow to their "platform" of ecclesiastical domination as the perfection of beauty; and if the republicans would have conceded a degree of religious freedom, it is quite as certain that, to have retained their power, they must have established the iron rule of an oligarchy, under the specious name of a commonwealth. Cromwell always insisted, and with much apparent sincerity, that the salvation of the country depended on preventing the complete success of any one of these parties, and his difficult policy accordingly was to balance them against each other, until the time should come in which an amalgamation might be safely attempted. His experiments all proved that such a time had not arrived.

CHAP. II.

ECCLESIASTICAL AFFAIRS.

CROMWELL'S INTERFERENCE IN BEHALF OF THE PERSECUTED VAUDOIS—SOLDIERS QUARTERED UPON THEM. — CRUELTIES INFLICTED ON THE INHABITANTS OF LUCERNE.—CROMWELL'S PROCEEDINGS IN THEIR FAVOUR.—HIS NEGOTIATION WITH FRANCE.—THE SUFFERERS AGREE TO AN ADJUSTMENT PROPOSED BY THEIR OPPRESSORS. — STATE OF RELIGIOUS TOLERATION DURING THE PROTECTORATE. — INSTITUTION OF THE TRIERS. — THEIR OFFICE — AND THE GENERAL EFFECT OF THEIR LABOURS. — RISE OF QUAKERISM. — CASE OF NAYLER. — STATE OF THE PRESBYTERIANS. — THE INDEPENDENTS.—MEETING OF THE INDEPENDENTS AT THE SAVOY, THEIR CONFESSION OF FAITH, AND ITS USES.—DEATH OF CROMWELL.—HIS INFLUENCE ON THE PROFESSION OF INDEPENDENCY.—OBSERVATIONS ON HIS LIFE AND CHARACTER.

CHAP. II.

1655. Cromwell's interference in behalf of the persecuted Vaudois.

From the time of Elizabeth's accession England had been regarded as the head of protestant christendom. But since the death of that princess, our feeble and vacillating policy had tended rather to injure than serve the reformed churches of the continent. It was reserved to the protector to interfere in behalf of the oppressed dissenters from the grand apostacy, so as to break the sword of persecution, though wielded under the sanction of the most formidable power in Europe. The occasion which called forth this generous effort, and led to this display of Cromwell's power, was the intolerant conduct of the Duke of Savoy with regard to his protestant subjects in the valleys of Piedmont. These people were the descendants of those Waldenses, who, long before the age of

Luther, had contended so nobly for the faith once delivered to the saints.

Catholic writers describe the protestants of the vallies as the aggressors. They are said to have treated the religious practices of their catholic neighbours with insult and derision, and to have extended their settlements and their worship beyond the limits which ancient custom had prescribed to them. But as the government was catholic, and as the great majority of the people subject to it were of the same faith, the first part of this charge must be allowed to bear much improbability on its surface. The second, however, was said to have been established by a civilian, who had been deputed by the sovereign, the duke of Savoy, to examine and decide upon it. Under this pretence, the people of a considerable district were informed, on the twenty-fifth of January, 1655, that in three days they were to become exiles, under the penalties of confiscation and death; — the only means of avoiding these penalties, being an open profession of the catholic faith. This they were to make thus suddenly, or to emigrate in the depth of winter, regardless of the infirmities of age, or of the tenderness of infancy.

Soldiers quartered upon them.

The sufferers abandoned a prohibited district, on the southern side of the river Pelice, but lingered in the neighbourhood of the settlements which this law of proscription could not at present be made to include. The parties who were not involved in this sentence sympathized with their brethren, whom they saw so painfully bereft by it, and their common resentment was said to be

CHAP. II. 1654. April 7.

so far dangerous as to require that some troops of military should be quartered upon them.

The soldiers, however, found the places allotted them deserted by the people, and were immediately straitened to obtain the means of subsistence. Their methods of procuring the requisite supplies soon became too violent to be endured. The people rose, and were at first the victors; but the arms and discipline of the military proved too formidable to be subdued by the untaught energy which was now opposed to them.

Cruelties inflicted on the inhabitants of Lucerne.

The scenes of carnage and iniquity that followed were too revolting to admit of minute description. Churches were given to the flames, and along with them all that fled to them for safety. Whole families were slaughtered together. Men, and women, and children, were hunted down upon the rocks and the heights like beasts of prey, and destroyed as in sport. The persons of the sufferers were often violated before they were butchered, and the sword fell equally on the feebleness of grey hairs and the infant in the womb.*

Cromwell's proceedings in their favour.

These cruelties had not extended beyond the valley of Lucerne, nor to more than about three hundred persons, when the neighbouring protestants, especially those of Geneva, interposed in

* See Morland's History of the Evangelical Churches in the Vallies of Piedmont; and Leger's Histoire générale des Eglises Evangéliques, &c.; and the third volume of Thurloe's State Papers. Mazarene has the effrontery to assert that the whole affair consisted in a rising of the people against the military, which cost some fifty of them their lives, "without any other cruelty exercised upon them: unless," he adds, "they were those which they exercised themselves, for they committed a hundred times worse cruelties upon the catholics. This is the true matter of fact"! A bolder specimen of lying it would not be easy to produce.—Thurloe, III. 536.

loud reprobation of the outrage. The check thus given to the demon of intolerance, was followed by the interference of Cromwell, who was informed of these barbarities a few weeks after they were perpetrated. "The sufferings of these poor people," he affirmed, "lay as near, or rather nearer, to his heart, than if it had concerned the dearest relations he had in the world." Morland, under secretary to Thurloe, was despatched on their behalf to Turin; and Milton was employed to address letters on the subject to the duke of Savoy, to the States General, to the protestant cantons of Switzerland, and to the kings of Sweden, Denmark, and France.

CHAP. II. 1655.

June.

The policy of the duke of Savoy in this odious transaction, was attributed to the influence of his mother, who was the daughter of Henry the fourth, and sister to the French monarch. Louis, and his chief minister, the cardinal Mazarene, had been some time employed in endeavouring to prevent an alliance between Cromwell and Spain, and the protector now insisted that a condition of his treaty with France must be a redress of the wrongs inflicted by the duke of Savoy on his protestant subjects. It happened that some French troops had been allowed to assist the Savoy authorities in the pious work of destroying, or at least of keeping down, the heretics of the vallies. Louis stated that this had been done without his sanction; and having expressed his regret at the circumstance, he professed to consider the conduct of the duke of Savoy, who was an independent sovereign, as altogether beyond his control.* But Cromwell

His negotiation with France.

* Morland, 330. Thurloe, III. 536, 617.

CHAP. II. 1655.

was not to be influenced by this feeble evasion. The king was reminded, without delay, of what his interference might readily accomplish, and of what was expected from him; and he so far complied, that the duke became concerned to effect an arrangement with his injured people, without waiting for that meeting of ambassadors from the different powers on the subject, which the protector's influence would soon have accomplished.

The sufferers agree to an adjustment proposed by their oppressors.

The proposals made to the sufferers were accepted, though much less favourable than would have been obtained had the intended negotiation taken place. With this adjustment, the interference of the protestant states was withdrawn. But Cromwell had ordered that prayer should be offered in behalf of these confessors, and that collections should be made for them, in the churches throughout England. A large sum was thus obtained, which was transmitted to them in several payments.*

The protector could not be insensible to the favourable impression which this event was adapted to make in every country of Europe, with regard to the greatness and stability of his power. But, separate from any such consequence, his abhorrence of popery, and attachment to protestantism, were sufficient to have dictated the course which is so honourable to his memory,

State of religious toleration during the protectorate.

It must at the same time be confessed, that he knew not how to extend that liberty to catholics, which he so sternly demanded from them in favour of protestants. He not only prohibited the exercise of their worship, but concurred in excluding

* The sum collected amounted to more than 37,000*l.*

them from public offices, and in depriving them of their elective franchise. It was this feeling also, which rendered him so suspicious of the forms and temper of the late hierarchy.

Prelacy and the liturgy were proscribed. The law, however, as it related to this party, was far from being strictly enforced. There were instances in which the episcopalian worship was openly and constantly performed in the very heart of the capital, without molestation. The ruler, who would have asserted the religious rights of the quaker, the socinian, and even of the jew, can hardly be supposed to have had any *religious* objection to the toleration of a liturgy, or of an episcopalian clergy. The political disaffection of this class of persons was regarded, after many experiments, as an evil which no lenient treatment was likely to subdue. Hence their successive conspiracies only served to bring them in closer bondage to the power from which they were constantly plotting to escape.*

* The conduct of Cromwell, in this respect, is thus adverted to by Dr. George Bates, a devoted royalist. "The protector indulged the use of the common prayer in families and in private conventieles; and though the condition of the church of England was but melancholy, yet it cannot be denied, but they had a great deal more favour and indulgence than under the parliament; which would never have been interrupted, had they not insulted the protector, and forfeited their liberty by their seditious practices and plottings against his person and government."—Neal, IV. 72, 92. Baxter's Life, p. 86, 87. See Harris's Life of Cromwell, p. 37—45. This writer has appealed, at much length, to the speeches, the letters, and the conduct of the protector, to shew that "bigotry made no part of his character," and has certainly made it plain that this vice belonged to him in a far less degree than to the mass even of the wisest and best men in his day. "Is it ingenuous to ask liberty, and not to give it? What greater hypocrisy than for those who were oppressed by the bishops to become the greatest oppressors themselves, as soon as their yoke was removed." Cromwell spoke thus, on dismissing the parliament of 1654.—Whitelocke, p. 614. Prynne complains "that

CHAP. II. 1656.

In 1656, it was very generally affirmed that the royalists had determined to remove the protector by assassination. Among the effects of the suspicion which was thus excited, was the publication of an ordinance, which went to exclude the episcopal clergy from all fellowships and livings, and even from being employed as chaplains, private tutors, or schoolmasters. The propriety of issuing such a law, merely as an instrument of terror, is hardly to be vindicated. Its general enforcement would have amounted to a cruel and iniquitous persecution. But this was not the intention of its authors. Amid the alarm which it occasioned, archbishop Usher presented himself to Cromwell, as the advocate of his suffering brethren; and without much difficulty obtained a promise that the ordinance should be withdrawn, or at least that it should not be executed, except in the case of such clergymen as became political offenders. When this subject came again before the council, the general opinion was that a formal withdrawment of the ordinance would be impolitic, as it might be ascribed to timidity; but it was agreed to act according to the promise given by the protector. Hence the practice of those divines who had been hitherto allowed to conduct public worship according to the forms of the late hierarchy, continued undisturbed.*

he suspended penal laws against popish priests, and protected several of them under his hand and seal."—Harris, p. 45.

* Parr's Life of Usher, p. 75. "It is certain," says bishop Kennet, "that the protector was for liberty, and the utmost latitude, to all parties, so far as consisted with the peace and safety of his person and government;—and even the prejudice he had against the episcopal party was more for their being royalists than for their being of the good old church. Dr. Gunning,

CHAP. II.

1654.

No part of Cromwell's policy gave so much offence to the body of the clergy, as his appointment of certain commissioners to examine candidates for ordination. These persons were called triers. In the first instance they constituted one assembly only, and were about forty in number, a fourth being laymen. The object of the protector was to provide that the admission of persons to church livings should not rest entirely with the presbyterians, and the commission accordingly included several independents and some baptists.

Institution of the triers.

The province of these new authorities was to require from the candidates submission to the existing government, as well as to judge of their ministerial qualifications. Their first instructions, issued in the spring of 1554, supplied scarcely any rule to guide their decisions, and afforded a dangerous latitude to the passions; but the ordinance published in the autumn of that year set forth the delinquencies to be corrected. It moreover established a commission for each county, which was to consist of ten clergymen and several laymen, five of whom might call any minister or schoolmaster reputed ignorant, scandalous, insufficient, or negligent, before them. The lay commissioners proceeded upon oath, and to convict an accused party of ignorance or insufficiency, the judgment of five of their number, and of not less than five ministers, was necessary. Most of the evils mentioned in the ordinance, called for correction on the

Their office.

afterward bishop of Ely, kept a conventicle in London, in as open a manner as dissenters did after the toleration; and so did several other episcopal divines."—Compl. Hist. p. 223. Neal, IV. p. 124, 125.

CHAP. II. 1654.

ground of public decency. But in the catalogue of offences, we find writing, preaching, or otherwise publishing disaffection to the government; the utterance of profane scoffs at the strict professors of godliness; and the frequent use of the Common Prayer.*

General effect of their labours.

The historian of the puritans was persuaded, that "not a single instance can be produced of any who were rejected for insufficiency, without being first convicted either of immorality, of obnoxious sentiments on the socinian or pelagian controversies, or of disaffection to the present government." If it were true, as was loudly affirmed by episcopalians, that the effect of this manner of proceeding was to throw open the doors of the church to a race of men, the most ignorant and incompetent that ever entered it, we should surely have heard at the restoration, of the expulsion of numbers on this valid ground of ejectment. But no such evidence appears. It is asserted also, that a large number of the clergy must have been expelled by these commissioners, as in similar cases, purely on account of their loyalty. Of this there is no evidence. There is much that may be urged against the introduction of these tribunals. They were doubtless liable to abuse; but so were the customs of the presbyterians in relation to the same objects; and so was the older policy of

* Scobel's Acts, p. 279, 335, 340, 366. Neal, IV. 92—103. "The most grievous complaints," says Mr. Orme, "have been uttered, and the most extravagant expressions of astonishment poured out, only because the commissioners were so fanatical as to speak about grace, regeneration, and experience, as if these were the last things that ought to be spoken of to the ministers of the gospel!"—Life of Owen, p. 154.

the bishops and their chaplains. The trial of such an expedient was not unnatural, under the circumstances of the times.* Its general effect is thus stated by Baxter:—"Because this assembly of triers is most heavily accused and reproached by some men, I shall speak the truth of them, and suppose my word will be taken, because most of them took me for one of their boldest adversaries. This truth is, though their authority was null, and though some over rigid and over busy independents among them were too severe against all that were arminians, and too particular in inquiring after evidences of sanctification in those whom they examined, and somewhat too lax in admitting of unlearned and erroneous men that favoured antinomianism or anabaptism, yet, to give them their due, they did abundance of good to the church. They saved many a congregation from ignorant, ungodly, drunken teachers, that sort of men who intend no more in the ministry than to say a sermon, as readers say their common prayers on Sunday, and all the rest of the week go with the people to the ale-house, and harden them in sin; and that sort of preachers who either preached against a holy life, or preached as men who were never acquainted with it; these they usually rejected, and in their stead admitted of any that were serious preachers, and lived a godly life, of what

* It may be worth observing that the writer of a powerful article on church property, in a late number of Blackwood's Magazine (no vehicle of independency), recommends, with a view to obtain a more efficient clergy, that the power to examine candidates for holy orders should not be left with the bishops and their dependants, but be transferred to a larger body of persons—to an authority, in fact, very similar to that of the triers during the protectorate.

CHAP. II. 1653.

tolerable opinion soever they were. So that though many of them were a little partial for the independents, separatists, fifth-monarchy men, and anabaptists, and against the prelatists and arminians, yet so great was the benefit above the hurt which they brought to the church, that many thousands of souls blessed God for the faithful ministers whom they let in, and grieved when the prelatists afterwards cast them out again."* Neal states, and with evident truth, that the commissioners were a greater terror to fanatics and visionaries, than to any denomination of the regular clergy.

Rise of the Quakers.

Among the former class of delinquents this writer would number the quakers, who made their appearance during the commonwealth, and multiplied rapidly. George Fox, the founder of this now amiable sect, was born in humble life. He was religiously educated, and soon manifested an unusually meditative disposition. After yielding so far to this mental abstraction as to relinquish his employment as a country shoemaker, and to pass his time in wandering from place to place, he began to abstain from public worship, professing to have learnt that the Maker of the world was not to be found in temples made with hands; and also that the ability to preach the gospel was not to be derived from the teachers in universities, but from the anointing of the Spirit.

In 1648 the enfeebled condition of the advocates of church power afforded a liberty of prophesying to nearly all parties, and Fox began to rise above

* Life and Times, 72.

his gloomy musing manner of life, by becoming a preacher of his peculiar doctrines. He avowed and practised most of the peculiarities which at present distinguish this sect, and delivered himself on these matters as one taught "by the divine light of Christ." By his followers he was implicitly believed and obeyed, especially by the females, who, if not more zealous than the other sex, attracted more observation. His first attempt to correct the clergy, while discharging their duty in the pulpit, was at Nottingham, in 1649, and was followed by some harsh treatment from the magistrates; the second was at Mansfield, where the people thrust him into the stocks, and after inflicting upon him considerable personal injury, drove him from the town.

But in such occurrences Fox and his disciples saw nothing but what had been endured by older apostles before them. In 1650 preachers of this class, of both sexes, had become numerous, and the name of quakers, in consequence of the trembling or agitation that affected them while speaking, was generally applied to them. Their common exhortation was, that men should not attend to hireling priests, or to the letter of the word, but to the light within them; and to counteract the abuse of holy seasons and religious observances, they went far toward an utter abandonment of them, placing the impulses of the Spirit above all external regulations. They were, no doubt, chargeable with much extravagance, both of opinion and practice; but our knowledge of them, in this early stage of their history, is chiefly from the report of

CHAP. II. 1653.

adversaries. If the one half of what is imputed to them be true, there was certainly a rudeness and indecency in the conduct of some among them, which called for the correction of the magistrate.

Under the protectorate these people had their separate assemblies, both in the capital and the country, where large numbers attended. But their spirit was not to be bound to such limits. The churches to which the highest authorities of the state were accustomed to resort, and the house of parliament itself, were often selected by persons of this class for the purpose of giving expression to the prophetic impulse which they believed to be within them. On one occasion a female forced her way into the house with a trencher in her hand, and, breaking it in pieces before the members, exclaimed, "So shall ye be broken." A man having solicited Cromwell in behalf of some of his suffering brethren, but without effect, removed his cap from his head, and, tearing it into several parts, cried out, "So shall thy government be torn from thee and thine house." Another professed to have been taught by inspiration that he should kill all the members of the parliament; and he appeared accordingly, at the door of the house, with a drawn sword in his hand. Several officers were wounded before this madman could be disarmed.

James Nayler.

But these were almost moderate persons when compared with the notorious James Nayler. This man had served in the parliament army nine years, when, in 1651, he became a convert to quakerism. He was persuaded that the second person of the Trinity dwelt in him in a manner peculiar to him-

self, and that he had raised Dorcas Erbury from the dead two days after the spirit had departed from the body. While in Exeter jail he allowed himself to be addressed as "The Everlasting Son; the Prince of Peace; and the Fairest among Ten Thousand." He appeared at the entrance of Glastonbury, Wells, and other places, with this restored female, and several others, passing before him, strewing garments in the way; and on approaching Bristol he was not only hailed with the loud "hosannas" of his fellow believers, but announced as the "holy, holy, holy, Lord God of Israel." His imprisonment at Bristol seemed only to aggravate the delusion. His disciples took their place at his feet, and continued to address him in hymns abounding in the most impassioned language applied to the Messiah in the Canticles and the prophets.

His trial and sentence.

This was in 1656, and it was resolved by the parliament to take the case of this offender under its immediate cognizance. During ten days it was solemnly argued in that assembly: the vote to put the "blasphemer" to death was lost by a division of eighty-two against ninety-six. But Nayler's sin against reason and religion was nearly equalled by that of his judges. Instead of consigning the poor visionary to such treatment as might have restored his understanding, a sentence was passed upon him as revolting as any that had disgraced the court of high commission, or the star-chamber.

This severity, too, the house was pleased to exercise on its own authority, in preference to proceeding by bill, which would have rendered it

CHAP. II. 1656.

necessary to obtain the consent of the protector. Cromwell did not fail to remind these angry theologians that he was in doubt as to their right to convert themselves after this manner into an independent court of judicature.

These examples, however, should not be taken as specimens of quakerism, even in its earlier stages. It appears to have been the religion of many devout and sober people in that age, and has long since become an honour, rather than a reproach, to our common christianity.*

State of the presbyterians.

It was evidently the wish of Cromwell to deal equitably with the different religious parties, and to promote among them a spirit of forbearance. Accordingly, while he denied the presbyterians that secular power by which they were desirous of enforcing their church censures, he suffered them, amidst all their pride and disobedience, to retain nearly the whole of the ecclesiastical revenues of the country. They were also permitted to hold their numerous provincial meetings, and their class meetings; and to conduct their ordination services, and the different parts of public worship, according

* See Neal, III. 313; IV. 29—36, 138—144, with Dr. Toulmin's Notes, from Sewel and Gough. Burton's Diary, I. 24—158. The malady of poor Nayler pertained, in a considerable degree, to his master. "William Simpson was moved of the Lord to go, at several times, for three years, naked and barefoot before them (the English people), as a sign unto them in markets, courts, towns, cities, to priests' houses, and to great men's houses; so shall they all be stripped naked as he was naked. And sometimes he was moved to put on hair sack-cloth, and to besmear his face, and to tell them, so would the Lord besmear all their religion, as he was besmeared. Great sufferings did that poor man undergo, sore whippings with horse-whips and coach-whips on his bare body, grievous stoning, and imprisonments, in three years' time, before the king came in, that they might have taken warning, but they would not."—Fox's Journal, I. 572.

to their own directory. They had, moreover, their county associations of ministers and elders, which were convened monthly, for the purposes of religious conference or discussion. Some arrogant men of this sect avoided these assemblies, because independents and baptists were not always excluded from them. But the more tolerant feeling which meetings of this kind had induced, was becoming daily manifest before the death of Cromwell. It should be added, that good men could hardly have been more laborious in discharging their official duties than were the greater number of the presbyterians. Their diligence in preaching, in catechising the young, and in promoting the edification and general prosperity of the charge committed to them, was often deserving of the highest praise.* CHAP. 11. 1653.

From the independents the protector selected several divines to be near his person, as chaplains, and others, to fill important stations in the universities. These are said to have regarded him as the head of their party; though, as Neal remarks, "he was no more theirs than as he was averse to church power and for a universal toleration." Soon after the commencement of the civil war, the independents began to extend their societies or churches from the metropolis to the various parts of the country, and from that time their numbers had been daily increasing. They were The independents.

* Neal, IV. 72—76. This writer observes, that the body of the presbyterians were rendered submissive purely by terror, and especially by the execution of Love, and that "nothing would satisfy them as long as their discipline was disarmed of its coercive power."—80. Baxter's Life, 147—149, 167, *et seq.*

CHAP. II. 1658.

most numerous, during several years, in Norfolk and Suffolk, in consequence of the easy communication between those counties and Holland—the land in which many of the persecuted puritans had found an asylum, and from which many of them returned soon after the meeting of the long parliament, and formed churches among their countrymen on the independent or congregational model.*

They meet at the Savoy.

It was a little before the death of Cromwell that a meeting of ministers and delegates from the churches of this denomination was convened, for the purpose of preparing a confession of their faith, and a general statement of their views with respect to ecclesiastical polity. About a hundred churches deputed their pastors, and certain of their brethren, to appear at this meeting, who, within a fortnight, agreed to a summary of doctrine differing little from that issued by the assembly of divines at Westminster. They also adopted a statement explaining their views of church government.

July.

Their confession of faith.

Its design.

The uses of this symbol, and the authority to be attached to it, are thus clearly defined by its authors :—" The most genuine and material use of such confessions is, that under the same form of words they express the substance of the same common salvation or unity of the faith, and,

* See the chapter on the character of the Brownists, and the rise of the independents, in the former volume of this work. The name " independents," is supposed to have had its origin from the following passage in the Brownist confession of faith there referred to :—" Coetum quemlibet particularem, esse totam, integram, et perfectam ecclesiam ex suis partibus constantem, immediate et *independenter* (quoad alias ecclesias) sub ipso Christo."—Cap. V.

accordingly, such a transaction is to be looked upon only as a means of expressing their common faith, and no way to be made use of as an imposition upon any. Whatever is of force or constraint, in matters of this nature, causes them to degenerate from the name and nature of *confessions*, and turns them into *exactions*, and *impositions*, of faith."*

The parties in this country who were the early advocates of those principles by which the independents of the commonwealth were distinguished, had never scrupled to put forth these simple statements of their faith and order. The members of the Savoy assembly, for so the independent representatives were called, expressed much regret that circumstances had not sooner allowed them to follow so useful an example. "We confess," they say, "that, from the very first, all, or at least the generality, of our churches have been, in a manner, like so many ships, though holding forth the same general colours, launched singly, and sailing apart and alone on the vast ocean of these tumultuous times, and exposed to every wind of doctrine, under no other conduct than that of the word and Spirit, and their particular elders and principal brethren, without association among themselves, or so much as holding out common lights to others, whereby to know where they were. But yet, while we thus confess to our shame this neglect, let all acknowledge that God has ordered it for his greater glory in that his singular care and power should have so watched over each of

* Savoy Declaration, Pref.

CHAP. 11. 1658.

these, as that all should be found to have steered their course by the same chart, and to have been bound for one and the same port; and that, upon the general search now made, the same holy and blessed truths, of all sorts which are current and warrantable among the other churches of Christ in the world, should be found to be our lading."*

Death of Cromwell.

What the effect of these proceedings would have been had the life of the protector been prolonged, or had his liberal policy toward religious parties been perpetuated, we can only conjecture. The delegates were on the eve of assembling when Sep. 3. Cromwell expired. They met accordingly under the protectorate of Richard, and amid all the agitation and uncertainty connected with that crisis.

His influence on the profession of independency considered.

The following accurate observations, with respect to Cromwell's influence on the profession of independency, claim the candid attention of the reader:—"He has been represented as the chief instrument of promoting the increase and respectability of that party; and his death has been spoken of as the most disastrous event that could befall them. In as far as independents enjoyed full liberty and protection, and were considered capable of serving their country under the government of Cromwell, they were doubtless indebted to him; and it would be exceedingly ungrateful to deny that these blessings they then enjoyed, in common with others, in a much greater degree than they have ever since done.† For all this let him receive the praise to which he is entitled. It does not appear that they were

* Savoy Declaration, Pref. † Written in 1820.

indebted to Cromwell for any thing more; and in some respects his patronage was hurtful rather than useful to them. As a body they had existed long before his name was known; and their increase and respectability arose from causes altogether independent of him. He might indeed be said to have raised himself in a great measure by their means. He took advantage of their reputation and influence, their love of liberty, and hostility to ecclesiastical domination, to shelter himself, and to gain his own ends.

" The enjoyment of his favour and patronage, must, to a certain extent, have been injurious to the genuine profession of apostolical principles. It may appear strange that an independent should declare, that he has no wish that independents *as such* should become the objects of political patronage. If, indeed, the glory of a christian profession consists in mere numbers, in the enjoyment of wealth, or the possession of worldly honours, these views must be extremely foolish. But if its glory consists in the spiritual character and disposition of its members, be they few or many, then the honours of a temporal kingdom have no tendency to promote it. ' Pure and genuine christianity,' says an ingenious member of the church of England, ' never was, nor ever can be, the national religion of any country upon earth. It is a gold too refined to be worked up with any human institution without a large portion of alloy; for no sooner is this small grain of mustard-seed watered with the fertile showers of civil emoluments, than it grows up into a large and spreading

CHAP. II. 1658.

tree, under the shelter of whose branches the birds of prey and plunder will not fail to make for themselves comfortable habitations, and thence deface its beauty, and destroy its fruit.'* When any party of christians becomes the exclusive object of state favour, it immediately operates as a bounty on that profession. The independents never were the objects of this exclusive patronage; but, in so far as that profession was considered during the commonwealth to be more acceptable to the ruling powers than any other, I conceive it must have derived injury, rather than benefit, from the circumstance. It would induce some of those volatile and unprincipled spirits, who always float in the current of state favour, to hoist the colours of independency only to pull them down on the first change of wind. Such adventurers, whatever be their rank, add no real strength to a christian community; and their dispersion is a blessing, rather than a punishment.

"In another point of view, also, the patronage of Cromwell and his party has been injurious to the character of independency. It has confounded it, in the opinion of many, with revolution and republicanism. It is the occasion to this day of its adherents being represented as enemies to established, or at least to monarchical government. That there were independents then who preferred a republic to a monarchy, especially an unlimited monarchy, I feel no concern to deny, as many of the great men of the age, though not independents, did the same. But I feel concerned to

* Soame Jenyns' Disquisitions, p. 164.

maintain, that between the religious sentiments of independents and their views of any form of civil government, there is no link of connexion. And if the favour of Cromwell has led men to believe that independents are naturally, or necessarily, republicans, it has done them a material injury. In consequence of this mistake, every thing of a revolutionary and sanguinary nature, during the above period, has, by some, been fearlessly charged on this body. To vindicate it is now unnecessary. It has flourished, in the scriptural sense of the word, more under a monarchy, than under a protector; and, among the friends of the Hanoverian succession, has always been reckoned the body of British independents."*

Observations on the character and life of Cromwell.

Men who fail to look on the actions and character of Cromwell, in connexion with the complex and extraordinary circumstances in which he was placed, whether this be from incapacity or prejudice, must necessarily form erroneous conclusions as to the course which he pursued and the motives which governed him; and conclusions so opposite, probably, as to seem wholly inconsistent with each other. He is found rising above humanity or sinking below it, according to the particular aspect on which the attention of such inquirers may be fixed. But his true position is not in either of these extremes. The bad extreme is that which, through a long interval, was almost uniformly assigned to him; and it is hardly surprising that this should have happened. Cromwell baffled the policy of all the great parties opposed to him, and,

* Orme's Life of Owen, p. 247—249.

CHAP. II. 1658.

almost by his single hand, prevented any one of them from obtaining that exclusive ascendancy to which they all equally aspired. Hence his name has descended to us deeply shaded by the enmities of the most powerful factions of his day. His commanding influence exposed him to the hatred of the presbyterians on the one hand, and of the republicans on the other; while the royalists, who, to the time of the restoration, suffered most from his power, continued, when that event had transpired, to be the most deadly, and we may add, the most *interested* adversaries of his memory. The ruler has never lived whose fame would have been proof against the representations of such partisans—and representations, be it remembered, to which little in the way of counter statement was supplied during a space occupied by more than one generation.*

Unhappily, the conduct of Cromwell was not always such as to admit of close scrutiny, even from his friends; and was susceptible of every sort of vicious colouring when taken up by his enemies. Nothing could be more easy than to describe the noble objects which the late war was waged to secure; in the next place, to set forth the manner in which these objects were sacrificed one after another by this military chief; and, in conclusion, to denounce him as a prodigy of ambition, hypocrisy, and crime. But men who regard the career of this greatest man among the great, with a due

* Such presbyterians as Denzil Hollis must make bad historians, and the cold hardihood of the republicans was often as little trustworthy. Ludlow is always telling us about his honesty, and could be so honest as to describe the battle of Naseby without the least mention of Cromwell! The man who could thus suppress the truth, is scarcely a remove from him who deals in its opposite.—Memoirs, I. 132.

share of reflection and honesty, will hardly be satisfied with this summary method of treating such a case.

It is a fact, that until a few months before the late king's death, Cromwell was an advocate of monarchy, and even hazarded his own life to save that of his sovereign;—it is a fact, that the fragment of a parliament which his violence dissolved in 1653, was on the eve of adopting measures which, whether they saw it or not, must have brought back Charles Stuart, and with him the return of oppression to a large portion of the people, along with the penalties of death and confiscation to the leaders of the army, and to many beside;—it is a fact, also, that in all his subsequent experiments with regard to parliaments, the protector consulted the general feeling of the nation, and laboured to restore the ancient constitution quite as far as was consistent with his personal safety; and it is not less certain, that the constitution which his last efforts were employed to establish, accorded more nearly with the claims of all the parties included in the British dominions than anything that had preceded it, or than anything which followed, until the revolution of 1688. Cromwell insisted with all parties on the general equity of his plans; and hoped that self-interest would aid the greater number in discerning it; but all continued blind, and all, save one, were to be made captives in their blindness.

In Cromwell's manner of prosecuting his objects, there was generally a circuitousness and insincerity which, after every due allowance on account of

CHAP. II. 1658.

circumstances, is deserving of grave censure. The objects themselves, however, are always plausible, and commonly such as the patriot and the christian would have chosen. Had he relinquished the supreme authority, there was not a power in the nation that could have retained it a month. In that event, Cromwell himself must have become an outcast, if he meant to save his life; and from his place of exile, or from his scaffold, must have looked on many of the liberties for which his life had been so often periled, as lost to his country. It may be said, that in the face of these consequences, he ought to have chosen the moral side of this dilemma; and this may be true, but this is to exact a measure of virtue, which scarcely a man in an empire would be found to possess.

An authority, that will not be suspected of partiality towards the memory of Cromwell, has said, that "when he shed blood, it was never for the appetite of blood; such acts were committed by him against a good nature, not in indulgence of a depraved one." It is added also, that "his good sense, and his good nature, would have led him to govern equitably, and mercifully, to promote literature, to cherish the arts, and to pour wine and oil into the wounds of the nation." And in another passage, what he would have done, and why he did it not, is candidly and accurately stated: "No man was so worthy of the station which he filled, had it not been for the means by which he reached it. He would have governed constitutionally, mildly, mercifully, liberally, if he could have followed the impulses of his own heart, and the wishes of his

better mind: self-preservation compelled him to a severe and suspicious system: he was reduced at last to govern without a parliament, because, pack them and purge them as he might, all that he summoned proved unmanageable; and because he was an usurper, he became, of necessity, a despot."*

* Quarterly Review, XXV. 331, 341, 345, 346.

CHAP. III.

RICHARD, PROTECTOR.

ACCESSION OF RICHARD CROMWELL AS PROTECTOR.—A PARLIAMENT.—STATE OF THE ARMY—PARLIAMENT DISSOLVED BY ITS INTERFERENCE.—THE LONG PARLIAMENT REASSEMBLED, AND DISPERSED.—PROCEEDINGS OF GENERAL MONK.—THE LONG PARLIAMENT DISSOLVED.—THE CONVENTION PARLIAMENT.—THE ANCIENT CONSTITUTION RESTORED.

CHAP. III.

1658. Accession of Richard Cromwell as protector.

"THEY would bring all into confusion again," was the frequent remark of Cromwell, when checking the extravagance, or providing against the machinations of the parties which encircled him. No sooner was his presiding genius removed, than the state of things which he had laboured to prevent was abundantly realized. It is true, Richard succeeded to his father's dignity without opposition, and many addresses of condolence and congratulation were presented. The army, however, was not satisfied with a civilian as its head, and the treasure requisite to meet its claims made the assembling of a parliament indispensable. But was it probable that a power which the late protector had never been able to control, would become more manageable in the hands of his successor?*

* Richard had passed his life chiefly in the character of a country gentleman. His father had recently called him to a place in the upper house of parliament, and had procured his election as chancellor of the university of Oxford. The protector was said to have nominated him on his death-bed. But this is doubtful. Henry, Cromwell's second son, had retained a commission in the army from the beginning of the war, and was at this time lord deputy of Ireland. Lingard, XI. 366, 367. The temper of Scotland at this juncture is thus expressed, in a letter to secretary Thurloe: "Just as the

CHAP. III. 1659. A parliament. Jan. 27.

In the elections, the greatest care was taken to effect returns favourable to the court, and a majority was believed to have been secured. It was found, however, that the republicans numbered at least fifty members, many of whom were eloquent and practised disputants. There was a much more numerous class, who were described as moderates—persons who were considered undecided with respect to some of the great questions at issue, but who generally proved concealed royalists, and were sufficiently powerful to clog every proceeding which it suited their purpose to delay.*

The army was scarcely more united than the senate. Opposed to those officers who were con-

news came of the death of his highness, they declared a fast to be kept the Sabbath following; they daily pray for the king in such terms as these:—That the Lord would be merciful to the exiled, and to all those that are in captivity; and that once more he would cause them to return with sheaves of joy. And some speak in plainer terms against the government. They pray under the terms of being delivered from the yoke of Pharaoh's Egyptian bondage, or the task-masters of Egypt, &c. praying for the confutation of all tyrants, and all their oppressors and afflicters, &c. The whole people know their meaning. They praised God that he had heard them, in taking away his highness, promising the people that God will yet bring forth further deliverance to them." VII. 416. Richard, however, received nearly a hundred addresses from different counties and corporations.

* This parliament consisted of two houses, according to the provisions of the Humble Petition and Advice, Parl. Hist. III. 1530—1540. Thurloe, VII. 541. "Great strivings there will be to get in, and the commonwealth's men have their daily meetings, disputing what kind of commonwealth they shall have, taking it for granted they may pick and choose.—I like not the aspect of things, and my fears are greater than my hopes." Thurloe to Henry Cromwell, Nov. 30, 1658. See also VII. 550 and 386, *et seq.* Ludlow, II. 156—159. The members were admitted by an oath, binding them "not to act or contrive any thing against the protector."—Ibid. This writer observes, that the majority in favour of the court was such, that all the republicans could do was "to lengthen the debates," in hope of making some converts to their principles among the younger members—a plan which, by detaining the house "some nine or ten days in a debate," was not without a success of this kind, II. 164. Clarendon Papers, III. 423—440.

CHAP. III. 1659.

cerned to retain the protector at their head, were others who would have seen that honour bestowed on Fleetwood, the brother-in-law of Richard, and a soldier. With this class a third appeared, consisting of men holding inferior commissions, who obeyed the secret influence of Colonel Lambert, and were prepared to watch the measures of parliament as those of a power prosecuting a covert war against military influence.*

State of the army.

Parliament dissolved by its interference. April 21.

It was in consequence of movements on the part of this last body that the commons came to a vote, which declared, that the command of the army should reside in the three estates, and be exercised by the protector. This decisive measure placed the military and the parliament completely at issue. Richard was informed without delay, that if the dissolution of the two houses were not effected by his authority it would be accomplished by the sword. His compliance with the wish of the officers would make them his adherents; his inaction would leave him without protection from any quarter. The parliament was accordingly dissolved in the name of the chief magistrate; but it was an act which included the virtual deposition of that functionary.†

April 22.

The "rump" parliament assembled.

The two houses were no sooner dismissed, than Richard found himself deserted by the army, whose first use of their new ascendancy was to recall that

* Thurloe, VII. 655—662. Ludlow, II. 169—175.

† Burton's Diary, IV. 448—480. Ludlow, III. 176—178. The law continued to be administered in the name of the protector, but his military opponents "disposed of the offices in the army at their pleasure; removing such as had appeared active against them." Ibid. 179. Whitelocke, 677. Clarendon Papers, III. 451. *et seq.* Parl. Hist. III. 1540—1545.

vestige of a parliament which Oliver had expelled, and which, from its reduced state, was known by the quaint name of the "rump." The officers pledged themselves to support this assembly. But it was soon found that the claims of the military went to place an authority in their own body independent of the civil power. This was loudly opposed by the members generally, and the consequence was, that this convention experienced a second dissolution at the point of the bayonet. Thus the supreme authority reverted to the hands of the military.*

And dismissed. Oct. 13.

But at this moment a man interposed, whose subtle influence was thrown into the scale of the vanquished members, and ultimately into that of the exiled Charles Stuart. This was General Monk, who, since the battle of Worcester, had commanded the army in Scotland. When this chief began his march toward England, his conduct and his letters encouraged the adherents of the parliament, both in the capital and through the nation, in manifesting their opposition to a military government.† The effect was a recalling of the

Proceedings of general Monk.

* This convention not only voted that the government should be by "way of a commonwealth, without a king, single person, or house of lords," but required an oath from every member of the new council of state, "to be true and faithful" to the constitution as thus established.—Ludlow, III. 180—251. Speaking of the military at this time, Ludlow observes, "that all their discontents had no other foundation, than the experience they had, that the parliament would not permit the officers of the army to be their superiors, and the sword to tyrannize over the civil power."—238. The violence put upon the parliament was to be attributed principally to Colonel Lambert's party, who contrived to carry Fleetwood and his more influential followers along with them.—Whitelocke, 685. Clarendon Papers, III. 581, *et seq.* Parl. Hist. III. 1546—1568.

† Ludlow, II. 242, 243. "The parliament being sensible of their danger, were not wholly negligent of the means to prevent it, though I cannot say

CHAP. III. 1659. Dec. 26.

"rump," under circumstances of unprecedented triumph. The immediate occupation of this assembly was to reduce and new model the forces. But among their acts there was also a new and distinct renunciation of royal authority, and especially of the exiled family. Monk reached London by slow marches. The council lost no time in requiring him, in common with others, to abjure the house of Stuart. This he managed to evade. He was then instructed to act against the citizens, who had begun to call for a parliament convened according to the fundamental laws, and had refused to pay their assessments until imposed by such authority. The general obeyed, but with visible reluctance. He removed some obnoxious gates, chains, and portcullises; but the temper manifested by the citizens taught him to look on his employment with increased dissatisfaction, and he at length declared in their favour. This event was followed by a restoration of those members to their place in the parliament, who had been excluded from it a little before the trial of the late king.*

1660. Feb. 6.

11.

21.

Thus fell what the republicans had long de-

they gave no advantages to the faction of the army, by disgusting the sectarian party, and falling in with the corrupt interests of the lawyers and clergy. Neither did it a little contribute to this disorder, that sir Arthur Haslerig, who took upon him to be the principal manager of affairs in parliament, was a man of a disobliging carriage, sour and morose of temper, liable to be transported with passion, and to whom liberality seemed to be a vice."—Ibid. The army appointed "a Committee of Safety" as soon as the parliament was dispersed.

* Monk, on declaring for the parliament, and sometime after, pledged himself to aid "in settling the government on the footing of a commonwealth."—Ludlow, II. 264, *et seq.* But observing men "finding him on all occasions to prefer men of monarchical principles, though of the most scandalous lives, to all the offices that became vacant," soon began to suspect "the drift of his design."—Ibid. 269. Whitelocke, 689—691. Parl. Hist. III. 1569—1579.

scribed as "the good old cause." The presbyterians and the covenant now resumed their ascendancy. On the sixteenth of May, 1660, the long parliament was finally dissolved by its own consent, and a few weeks later the convention parliament was assembled.

The long parliament dissolved.

This assembly included a large majority of royalists. Monk, whose secret purposes had been hitherto impenetrable, and a perplexity to all parties, now ventured to introduce letters addressed to the two houses, to the army, the navy, and the city, by Charles Stuart. It was presently voted, that the ancient laws and government by king, lords, and commons, should be restored. There were a few men who ventured to disturb the current of enthusiasm with which this measure was carried, by urging a due improvement of the crisis, so as to have a clear adjustment of those important questions which had been found capable of producing such fatal animosities between the people and the crown. But Monk was desirous of preventing the delay which such discussions would occasion. He objected, that to go into them would probably be to recall disorder and bloodshed; and had the effrontery to pretend that the king might be as safely treated with on those points after his arrival as before. This arch policy called forth the loud applause of the cavaliers, and all attempt to bring reason back to the helm was found to be useless.*

The convention parliament. April 25.

May 1.

The ancient constitution restored.

* Parl. Hist. IV. 1—25. The restoration of the old constitution was, no doubt, the best thing that could have been done. Though, as will soon appear, the worst use was made of it. The upper house included but few members, until the invitation was sent to the king.

CHARLES THE SECOND.

CHAP. I.

MEASURES OF THE CONVENTION PARLIAMENT.

STATE OF PUBLIC FEELING CONNECTED WITH THE RESTORATION.—CHARACTER OF CHARLES THE SECOND.—THE COUNCIL.—SECRET CABINET.—STATE OF PARTIES IN PARLIAMENT—A BILL PASSED TO CONFIRM ITS AUTHORITY.—THE BILL OF INDEMNITY.—SANGUINARY TEMPER OF THE LORDS.—PUNISHMENT OF DELINQUENTS.—FATE OF THE REGICIDES.—SENTENCE INFLICTED ON THE BODIES OF CROMWELL, BRADSHAW, AND IRETON.—TRIAL OF SIR HENRY VANE—HIS EXECUTION.—ADJUSTMENTS OF PROPERTY.—SETTLEMENT OF THE REVENUE.—ARMY DISBANDED.

CHAP. I.

1660. State of public feeling connected with the restoration.

It was the frequent boast of the cavaliers, that no adversity should spread the gloom over their brow, which might always be seen on that of their enemies. Hilarity in all its modes, and in nearly all its excesses, was their element. This proceeded, in some instances, from natural temper; in others, from education; but more frequently from a spirit of partizanship. This last cause disposed these buoyant adversaries of puritanism to preserve the strongest contrast between their own manners and those precise or sober habits which the successes of their opponents had rendered almost national. With the cavaliers, accordingly, the return of the king produced a delirium of joy. The very tidings were electrical. Feasting, intoxication, and all the dissoluteness to which they

lead, were every where seen: the whole land appeared to partake of an instantaneous infection; and grave men, of whom happily there were many remaining, manifested their good sense, and consulted their safety, in abstaining from any attempt to disturb this holiday feeling. In this class of persons, the greater part were still to be numbered among the friends of monarchy. But they had seen that power so obstinately wedded to an arbitrary policy, and especially in matters affecting the conscience, as to be slow in concluding that its exercise in future would certainly be the opposite of the past. And, unfortunately, the event was to afford sufficient proof that these misgivings were not indulged without reason.

Character of Charles the second.

This want of confidence was considered the less justifiable, as the accounts given from the pulpit, and almost daily from the press, declared the young monarch to be possessed of nearly every quality that could render him beloved and illustrious. But these descriptions contained many falsehoods, and at best only a part of the truth. Charles was now in his thirtieth year. His character accordingly had assumed much of the complexion which was to distinguish it.

The king certainly possessed a superior judgment, pleasing manners, and a person that was, upon the whole, agreeable. He had also given proofs of courage, and his temper was rather good humoured and careless, than distant or severe. But to this it should be added, that his understanding owed every thing to nature, nothing to its possessor; and that his actions were at almost

CHAP. 1. 1660.

constant issue with its decisions. Those kind notices also, and fair words, in which he could so readily indulge, and which, from his intimate acquaintance with all the varieties of life, he could so administer as to fascinate all who approached him, were things having no connexion with feeling or principle, and, in consequence, were as easily forgotten as bestowed. A more accomplished dissembler could hardly have been found in the three kingdoms.* Business of any sort was his abhorrence, and ease and pleasure the end for which he lived, and for which, alone, he deemed it desirable to live. His licentiousness had scarcely bounds or decency. He could leave the apartments of his mistresses to kneel at the sacramental altar, and few were the favours to be obtained from him which were not sought through some degrading connexion. He had no faith in the chastity of woman, or in any kind of virtue among men. Human nature was, in his view, an unmixed mass of selfishness. All who were about him were believed to be governed by this one feeling. Hence he felt no obligation, and was a stranger to gratitude. Even in the poverty of his exile, his depraved indulgences were so open and habitual, as to occasion much apprehension among the more worthy of his attendants. It was hoped, indeed, that on ascending the throne of his fathers, he would feel his responsibility, and, like another prince Henry, reform. But this proved a fond

* Charles had the baseness to cause the presbyterian ministers to be placed within hearing of him, while supposed to be engaged in his secret devotions; and the whole of his conduct toward them will be found worthy of this beginning. Orme's Life of Baxter, I. 201.

delusion. The vices of his career in this country began with the first night of his arrival in its capital; and bishop Burnet speaks of the "mad range of pleasure" to which he abandoned himself immediately on his accession, as the main source of those embarrassments and disgraces which were commensurate with his reign.

From the opinions of the new monarch, in relation to those momentous questions which had led to so much violence and suffering, there was very much to apprehend. As to religion, Charles the second was little concerned about any form of it for its own sake. In Scotland, he had become a covenanter, bound by the most solemn oaths. On the continent he resumed his episcopalian creed, and evidently proceeded to some distance beyond it. He there learnt to believe that the church which has an infallible authority must be preferable to every other;—not, indeed, on a religious account, but simply because the best adapted to secure obedience to the priest, and because of the connexion between obedience to the priest and obedience to the magistrate. It was his fixed sentiment, that the sovereign whose ministers are liable to impeachments or checks from a parliament, must be one in name only. The government, in fact, to which he would have had all others conformed, was the splendid and luxurious despotism exhibited at this time in the French monarchy. We shall find that much was attempted in England with a view to this consummation. But the enterprise—thanks to the men of better times—was found to be one beset with

CHAP. I. 1660.

danger, and demanding the utmost vigilance and energy; and it was in the highest degree fortunate, that these circumstances rendered it little suited to the habits of the new king.*

Those habits, injurious as they would prove to the individual, and to the nation, being found in the sovereign, the court would not fail to supply a class of men prepared to applaud and adopt them. The privy council sometimes ventured to remonstrate, in hope of calling the attention of the monarch from his pleasures to the affairs of government; the chief effect of their interference was to expose themselves to the ridicule of those profligate wits, who sought their own advancement in abetting the follies and vices of royalty.

The council.

Not that the king's first council was made up of the gravest statesmen. It presented, on the contrary, a curious assemblage of opposite characters. The selection is attributed to the policy of Clarendon, who became its leader, and lord chancellor. His immediate associates were, the duke

* Burnet, 1. 158—160. Preface to the Clarendon edition, p. xxix. The king's connexion with Mrs. Palmer, afterwards lady Castlemain, began "the first night he arrived in London."—Ibid. Note by the earl of Dartmouth. "Charles had neither conscience, religion, honour, or justice, and he does not seem to have had even the feelings of them. He had no one truly public aim, as such, in the whole course of his reign. All he meant and sought, for which he tumbled and tossed from side to side, from one minister to another, and for which he was continually cheating his people, was to enjoy a lazy, thoughtless ease, in the constant debauchery of amours, and in the pleasures of wit and laughter, with the most worthless, vicious, and abandoned set of men that even that age afforded, and who often made him the subject of their jokes and mirth, sometimes to his face. He was corrupted in France, and had all the pleasantry and vices of his grandfather, Henry the fourth, but not one of his virtues. Charles made the times here to be profligate, and instead of ministers spoiling him, he spoiled most of his ministers, and did not love those whom he could not spoil."—Ibid. IV. 528. Note by Speaker Onslow.

of Ormond, the earl of Southampton, and sir Edward Nicholas, all the companions or the confidants of the king during his exile, and bound to each other by their sufferings in the same cause. Clarendon's excellencies and defects were never so well known as at present, and those who regard the latter as the least considerable, must admit that they were of serious amount. Nothing could be more solemn than his professions in reference to morality, and scarcely any thing could be more uncertain than his adherence to its laws, on any point where his prejudices were concerned. His religion is a matter of constant, and apparently of devout, allusion; but in practice, it amounted to little more than a hatred of sects — this feeling being frequently indulged at the known cost of sincerity and fairness. With respect to his patriotism, the sort of loyalty which occupied his mind, soon after his early life, was hardly compatible with its existence. Ormond was a chivalrous royalist. He was not disposed to promote any alarming inroad on the constitution, and was as little capable of any strong or steady effort in its favour. It does not appear that any vice had acquired an ascendancy over him, and he possessed the reputation of being sincerely attached to the protestant interest. Southampton was a nobleman whose patriotic virtues rendered him almost out of place in the new cabinet. Nothing but the general confidence in his worth could have taught many of his colleagues, and even Charles himself, to suppress the jealousy produced by his popular character. The same

Clarendon.

Ormond.

Southampton.

CHAP. I. 1660.

difficulty was not felt in the case of secretary Nicholas, whose integrity, and devotion to his master's service, were not sufficient to prevent his being supplanted by an individual, who will occur to the notice of the reader as the earl of Arlington—a concealed catholic, and chiefly distinguished by the haughtiness and insolence of his manners. With these advisers Monk was associated as duke of Albemarle, and by his influence, Clarges and Morrice were introduced, the former being the duke's kinsman, the latter on account of his services in promoting the restoration.

Nicholas.

Arlington.

Thus far the elements of the new council might be capable of union. But with these it was considered prudent to associate others from among the counsellors of the late king, or from the more moderate of the parties who had sided with the parliament. Among the latter were the earl of Manchester, and lord Say; Annesley, created earl of Anglesey; sir Ashley Cooper, now lord Ashley; and Denzil Hollis, now lord Hollis. From Manchester and Say nothing remarkable, either of good or evil, was to be expected. Annesley was an expert lawyer, well versed in the questions of the constitution, but always ready to sell his services to the highest bidder. He was the tool, and lived to find himself the contempt, of all parties. Lord Ashley is the person better known by his subsequent title as earl of Shaftesbury—a man who had been at the devotion successively of the king, the parliament, and the protector, and who, in prospect of the restoration, had been among the earliest to pay his homage to the rising sun. He could place no faith

Manchester and Say.

Anglesey.

Shaftesbury.

in the gospels, but reposed an implicit confidence in some Dutch astrologer, who had pretended to ascertain the events of his life by consulting the stars. Yet his power of observation, with respect to the different characters of men, was the frequent astonishment of those who knew him; and he was capable of devising bold, and often shrewd, expedients in almost any juncture of affairs. The energy, however, with which his plans were conceived soon faltered, as they came to be acted upon; and as his want of principle was quite as certain as his want of perseverance, little reliance was placed on him by the court or the country. He was one of those men who are more to be feared on account of what they impede or spoil than on account of any thing they have the power to accomplish.*

Hollis.

It is said, that in forming this council, Charles bestowed his favours equally on the presbyterians and the royalists. But Hollis, though not the only presbyterian admitted, was certainly the only one whose admission can be regarded as evincing liberality. He had been zealous in the cause of the parliament, but his zeal in this particular, like that of his colleagues, had been followed by an avowed hostility to Cromwell, and by his activity in preparing the way for the king's return. Such, however, are the men who will prefer the largest demand on the reader's attention during the present reign.

Secret cabinet.

The effect of bringing men together who were so much at variance in their religious and moral

* Burnet, I. 160, *et seq.*

CHAP. I. 1660.

qualities was, that a sort of lesser council was formed, in which the chancellor, with some three or four beside, adjusted the matters of business, so as to require little from their colleagues beyond the formality of their sanction. The reasoning of this junta would not always have produced a concurrence with their secret digests; but where that was insufficient, the influence or the presence of the king generally prevailed.*

State of parties in parliament.

It has been thought that some credit is due to the favourite ministers of the restored sovereign, in doing no more than was done amid the enthusiasm of this juncture in favour of the crown. Their conduct may have resulted from patriotism, or it may be that they were sensible of having gone as far in this way as was consistent with safety. Some weeks passed between the vote of the two houses which restored the king, and his appearance in that character among his subjects, and this interval had been industriously occupied by the parliament in confirming the great constitutional statutes, especially the petition of right. Striking, however, was the change which a few months had produced in the standard of religious and political orthodoxy at Westminster. The walls within which the honours of nobility and kingship had been for some time adverted to, only to be condemned as tyrannical, or derided as gewgaws, suddenly resounded to doctrines, which, if carried out, would have been better suited to a Turkish divan or the old cortes of Castile, than to

* Lingard, XII. 5.

CHAP. I. 1660.

a British senate.* With the cavaliers, the independence of the sovereign was the object for which they had fought and suffered, and many of them would have looked on the utmost enlargement of royal authority chiefly as affording proof that their valour and fidelity had been crowned with success. The presbyterians also—the only party beside who dared to speak—were too often reminded of the fatal excesses which their incautious zeal had produced, to be capable of displaying the energy of their former days. They were, therefore, content to follow where they had been accustomed to lead, and where they were still powerful enough to have done so. They lived to repent of this ill-timed moderation.

A bill passed to confirm its authority.

But the constitution knew nothing of a parliament, except as summoned by the king's writ. The present assembly was convened without that formality, and from this circumstance, obtained its designation as the "convention" parliament. That its decisions should have the force of law, it was necessary they should be confirmed by the two houses, duly summoned, or that this acknowledged deficiency should be met by some special provision. A bill was accordingly passed by the lords and commons, which declared the last parliament to be dissolved, and the two houses now sitting to be the

* One of these enlightened gentlemen was pleased to say, that "he who drew his sword against the king, committed as high an offence as he that cut off the king's head." The house, to its honour, called this offender to the bar, as having maliciously overlooked the difference between the regicides, and those who had drawn the sword "to bring delinquents to condign punishment, and to vindicate their just liberties." The speaker, on whom it devolved to express the displeasure of the members, was sir Harbottle Grimstone, one of the most popular members in the early days of the long parliament. Parl. Hist. IV. 42, 43, *et alibi.*

CHAP. I. 1660.

parliament of England.* This preliminary settled, the attention of the members was called to several matters, in the adjustment of which the different parties through the kingdom were deeply interested.

Bill of indemnity.

Charles, in a declaration from Breda, containing a statement of his intentions, should he be restored to the throne, expressly pledged himself to pardon all offenders among his subjects, saving those only who should be excepted by parliament. A proclamation was also issued a few days subsequent to his landing, which called upon the judges of the late king to surrender themselves within a given time, on pain of being excepted from the proposed indemnity. When the question of these exceptions came before the two houses, it was evident, that the several speakers were influenced much more by personal feeling than by public principle. The commons limited the number who should forfeit life and estate in the first instance to seven. They afterwards proceeded from the case of those who sat in judgment on the late sovereign, to others who were less immediately concerned in that transaction. Twenty persons were thus selected to suffer various penalties short of death, and it was, in conclusion, determined, that no favour should be extended to such of the regicides as had not surrendered themselves.

Sanguinary temper of the lords.

These proceedings were the excess of clemency in the esteem of the upper house. The lords would not only have condemned the fugitive regicides, and those who had been apprehended,

* This act derived its validity chiefly from another in confirmation of it, in the new parliament, the year following. Stat. 12 Car. II. c. 1.

but would have involved in the same fate the nineteen who had surrendered themselves in consequence of the royal proclamation. Beyond this they would have inflicted the same penalty on every man who had sat in judgment on a royalist in any court of justice. They excepted five persons by name, though not regicides, and as a climax to the whole, proposed to the relatives of Hamilton, Holland, Capel, and Derby, peers who had been executed during the commonwealth, that they should have the gratification of naming a culprit whose blood should be shed as an atonement for the murder of their lamented kinsmen. In three instances out of the four, a man was named, and the execution followed.

Punishment of delinquents.

The commons, though they had shewn themselves capable of being moved from their more generous intentions by the court, continued to be more humane than the lords. The compromise, however, which, after the space of three months, was agreed to, left fifty-one persons concerned in the king's death to receive trial. It made exceptions in the case of sir Henry Vane and colonel Lambert. It sentenced others, including Haslerig and lord Monson, to the loss of their estates and perpetual imprisonment; and it declared a large number, twenty of whom are named, incapable of holding any office, civil or ecclesiastical. The commons saved the regicides who had obeyed the proclamation. The king was thus rescued from the reproach of perfidy to which the peers, with Clarendon at their head, would have exposed him.*

* Parl. Hist. IV. 65, 71, 73, 80, 88, 91, 96. Clarendon's Life, II. 129—134.

CHAP. I. 1660. Fate of the regicides.

Judgment of death was passed on the regicides without exception, and ten were left to suffer. These included Scot, Harrison, Scroop, Carew, Clements, and Jones—men whose signatures were attached to the warrant which had required the execution of Charles Stuart. With these were the reverend Hugh Peters, whose impassioned oratory had been employed to encourage and justify the deed; Cook, who had acted as solicitor; and Axtele and Hacker, who had been the guards of the captive monarch. "The general indignation," says Hume, "attending the enormous crime of which these men had been guilty, made their sufferings the subject of joy to the people. But in the peculiar circumstances of that action, in the prejudices of the times, as well as in the behaviour of the criminals, a mind seasoned with humanity, will find a plentiful source of compassion and indulgence. Can any one, without concern for human blindness and ignorance, consider the demeanour of general Harrison, who was first brought to his trial? With great courage and elevation of sentiment, he told the court that the pretended crime of which he stood accused, was not a deed performed in a corner. The sound of it had gone forth to most nations, and in the singular and marvellous conduct of it had chiefly appeared the sovereign power of heaven. That he himself, agitated by doubts, had often with passionate tears offered up his addresses to the divine majesty, and earnestly sought for light and conviction. He had still received assurance of a heavenly sanction, and returned from these devout supplications with

more serene tranquillity and satisfaction. That all the nations of the earth were in the eyes of their Creator less than a drop of water in the bucket, nor were their erroneous judgments aught but darkness, compared with divine illumination. That these frequent illapses of the divine Spirit he could not suspect to be interested illusions, since he was conscious that for no temporal advantage would he offer injury to the poorest man or woman that trod upon the earth. That all the allurements of ambition, all the terrors of imprisonment, had not been able, during the usurpation of Cromwell, to shake his steady resolution. And that when invited by him to sit on the right hand of the throne, when offered riches, and splendour, and dominion, he had disdainfully rejected all temptations, and, neglecting the tears of his friends and family, had still, through every danger, held fast his principles and his integrity." * The same writer justly remarks, that no saint or confessor ever went to martyrdom with more assured confidence of heaven than was generally shown and expressed by these criminals, even when the terrors of immediate death, joined to many indignities, were set before them.†

Nothing was more natural than that these sufferers should have been regarded with horror by all persons who held the notions which were still

* Hist. VII. 356—358.

† Dr. Lingard observes that Hugh Peters alone shrunk from the approach of death, but forgets to add, that to produce this feeling, which was only transient, the wretched man had been dragged to the place of execution on a sledge, with the head of colonel Harrison placed before him, so as to have its eyes fixed upon him. The law was surely severe enough, without having this and many other studied cruelties attached to it. Howell's State Trials, V. *ubi supra.* Parl. Hist. IV. 48, *et seq.*

CHAP. I. 1660.

widely entertained concerning the sacredness of royalty. They had not merely resisted, but actually slaughtered the Lord's anointed! This doctrine, however, was treated by the regicides as a superstitious dream, and as a dream which had been allowed for ages to beguile a slumbering world in a manner fatal to its freedom and improvement. Justice, they believed, had directed its shafts too long against the mean, the defenceless, and the governed. It was high time that it should seize its victims with a less partial hand, and convey its lessons with a less partial utterance. By some strange perversion of its acknowledged principles, the most splendid and powerful of its adversaries had long formed a sheltered class. But the time had come in which to tell offending mortals, as from the high places of the earth, that there are no exceptions from the terrors of its arm. The king, in their view, was the grand author of the bloodshed with which the land was stained, and the policy which condemns minor delinquents, but allows the chief transgressor to go free, was rejected, as opposed to the most certain principles of equity, and the most obvious injunctions of religion.*

* Yet who can fail to regret that such a monarch as Charles the first, with all his faults, should have been chosen to supply this extraordinary lesson? See this case argued in Ludlow, III. 323—376. It is worthy of remark, too, that the chief argument employed by the more fanatical of the regicides, is precisely that which was now turned against themselves. "God's blessing could not be upon the land until justice had cleansed it from the late king's blood."—Hutchinson, II. 258. Walpole, in his Royal and Noble Authors, remarks, "If a king deserves to be opposed by force of arms, he deserves death: if he reduces his subjects to that extremity, the blood spilled in the quarrel lies on him—the executing him afterwards is a mere formality."—II. 69. This may be doubted: but the man who destroys a

CHAP. I.

1661.

Very different from this was the present judgment of the royalists. Their thirst of revenge was by no means satisfied with these instances of severity. It was their bitter regret that, among those who were drawn and quartered before them, that master culprit who had pronounced sentence against his sovereign was not found, neither he who had usurped the place of sovereignty. Hence the grave was to be violated, that these signal transgressors might not wholly escape the punishment due to their crimes. On the anniversary of the death of the late king, the bodies of Cromwell, Bradshaw, and Ireton were taken from their tombs, and drawn upon hurdles to Tyburn. After being suspended on the gallows from morning until evening, their heads were severed and fixed over the gateway of Westminster hall, their carcasses were thrown into a hole prepared for them near the place of this edifying spectacle—an exhibition, it should be added, which took place according to a decree of king, lords, and commons.*

Sentence inflicted on the bodies of Cromwell, Bradshaw, and Ireton.

Jan. 30.

1660. Dec. 8.

Not to resume this unpleasant subject, we may here notice the fate of the other regicides, and of several obnoxious persons not chargeable with that crime. The commons, in the new parliament, proved more violent against these unhappy men than their

nation's liberties has certainly committed a far greater evil than the culprit who has compassed the death of a sovereign; and the fact that these have been destroyed by a king, who is sworn above all men to protect them, is just the strongest possible aggravation of the delinquency. Howell, V. 947, *et seq.* Pepys' Diary, I. 78—80.

* Parl. Hist. IV. 158, 159. Kennet's Reg. p. 367. Several other bodies were removed from Westminster abbey to the church-yard. Among these was the mother of Cromwell, Pym, May the historian, and Twiss and Marshall, who were leading men in the assembly of divines. Even the remains of admiral Blake were thus dishonoured.—Pepys' Diary, I. 93.

CHAP. I. 1662.

predecessors; but the resentment of the lords was considerably abated. Three of the remaining offenders were sentenced to perpetual imprisonment, and to be drawn upon hurdles from their prisons to Tyburn and back again, with halters about their necks.*

Jan. 27.

An attempt was also made in the lower house to obtain the execution of the nineteen who had surrendered themselves on the faith of the king's proclamation. But Charles, whether from a sense of justice, or from finding that the courage of the late sufferers had produced a considerable sympathy in their favour, requested that the bill might not be allowed to come before him. His observation was, that "he was weary of hanging."† The life of colonel Lambert was also spared, and his remaining days were spent as a prisoner in the island of Guernsey, where he died a catholic, at an advanced age.

Trial of sir Henry Vane.

But the prosecution of Vane was conducted in a spirit of revenge, and with a contempt of justice to which the history of our state trials, odious as many of them are, can scarcely supply a parallel. The convention parliament had recommended him to mercy

* These delinquents were lord Monson, sir Henry Mildmay, and Robert Wallop. The sentence required them to be thus degraded every year.—Pepys, 129, 130. Neither of these names were attached to the warrant for putting the king to death.

† "The trials and executions," says Burnet, "of the first that suffered were attended by vast crowds of people. All men seemed pleased with the sight; but the firmness and show of piety in the sufferers turned the minds of the populace, insomuch that the king was advised to proceed no further."—I. 162. Milton, and Nye, and Goodwin, independent ministers, were all near being numbered with the condemned, but through the influence of friends were spared.—Ibid. 163. There was a party in the city who printed and circulated the speeches of the regicides for the purpose of exciting the compassion and admiration of the people.

on the ground of the declaration from Breda, and Charles taught that assembly to expect that, in the event of conviction, the punishment of death should not be inflicted. His trial, and that of Lambert, was demanded by the king's second parliament, but the two houses, while urging this measure, had the royal assurance before them, that an indemnity should be granted as to life.*

The charge preferred against Vane was that of high treason, and its overt act was said to be, his taking part in the government which had expelled the king and seized on his authority. It was plain that this was no more than might have been proved against a large number of persons. In truth, the spirit of the offence, if such it may be called, belonged to every man in the kingdom, who had actively adhered to the cause of the long parliament.

Vane pleaded a statute of Henry the seventh, which justified obedience to a government existing, though occupying the place of a government having

* Vane, as is well known, was the founder of a religious sect called Vanists, or Seekers,—from their profession of being merely seekers after truth. And no man can read two pages of Vane's "Mystery of Godliness" without perceiving that if the writer has found the truth, he has a marvellously confused method of making his discoveries known. But with all his mysticism, he appears to have been a sincerely devout man, and, what is not singular, reasoned upon religion with a feebleness foreign to his general character. It was his favourite maxim, that "the province of the magistrate is this world, and man's body; not his conscience, or the concerns of eternity." The force with which he could reason on this theme attracted the admiration of Milton:—

——— "To know
Both spiritual power and civil, what each means,
What severs each, thou hast learn'd, which few have done:
The bounds of either sword to thee we owe:
Therefore on thy firm hand religion leans
In peace, and reckons thee her eldest son."

CHAP. I. 1662.

a better title to exist. But his opponents descended to urge against him, that the existing government, in the case to which that statute referred, was presumed to be under a king—a circumstance which was wanting in the case under consideration. It was even affirmed, that Charles the second had been king in fact, as well as by right, from the moment of his father's death. All this, according to Coke, and many other authorities, was in direct opposition to the law, which expressly teaches that the king that hath right, and is out of possession, is not the king intended in the statute of treason. In short, the doctrine of Vane's judges went to place the property and the life of every man, who had sided with the late parliament, at the mercy of the crown. Of course it was not meant that this frightful tyranny should be extensively exercised. But there were several causes which operated to render Vane particularly obnoxious to the present authorities. He had contributed more than any man now living toward the death of Strafford. By his energy, and his capacity for public business, he had been the chief instrument in those successes which had rendered the name of the parliament, immediately after the king's death, so illustrious. On his trial, also, instead of imitating the more submissive deportment of Lambert, who crouched to a court of justice as he had never done in the field, he boldly vindicated his conduct, insisting that the guilt of treason could not attach to it. Charles was particularly displeased by this last circumstance, and wrote immediately to Clarendon,

June 6.

urging that the execution of the offender, if it could be effected with any appearance of honesty, should be forthwith accomplished.* This was done, but done by a process which exposed the king to the charge of perfidiousness, and his government to the reproach of violating the law, more flagrantly than any that had long since preceded it.†

His execution.

Vane suffered on Tower-hill, preserving to the last that strong religious feeling, and that fearless integrity, which had generally marked his public life. At the place of execution, he would have addressed the populace, but this it had been thought important to prevent, and a novel arrangement was made for the purpose. He had no sooner begun to speak, than a signal was given, and the sound of drums broke forth, so as to render his voice inaudible. This precaution had not been anticipated by the sufferer, but he was in no way disordered by it, and bowing respectfully to the

June 14.

* "He is too dangerous a man to let live, if we can honestly put him out of the way." See the Letter in Harris's Life of Charles II., or in Phillip's State Trials, I. 293. Parl. Hist. IV. 119.

† Howell, VI. 119, *et seq.* Hume has remarked on this action, that "the court, considering more the general opinion of his active guilt, in the beginning and prosecution of the civil wars, than the acts of treason charged against him, took advantage of the letter of the law, and brought him in guilty." There is no portion of meaning to be extracted from this singularly confused statement, that is not contradictory or erroneous. "How the court," says Mr. Phillips, "could take advantage of the letter of the law, without considering the articles of treason charged, it is not easy to understand; since the articles which form the charge must be founded upon the words of the law. But the principal defect in the passage referred to, is, that it represents the case of Sir Harry Vane as strictly within the letter of the law of treason; which is a most erroneous opinion; for there is scarcely any case among the state trials so much out of the strict and plain *letter* of the law; and after the remarks of Mr. Justice Foster, which have been before mentioned, it will be thought not to be within the *spirit* or *principle* of the law." State Trials Reviewed, I. 285, 286.

CHAP. I.

crowd, resigned himself, without a struggle, to his fate.*

1660. Adjustments of property.

During the late wars, the property of the kingdom, as well as its power, had passed considerably into other hands. It was reasonable to suppose, that men whom the recent changes had enriched would be anxious to render them permanent. This was the hope of the popular leaders throughout the late troubles, and especially toward their close. Charles endeavoured to meet this difficulty in his declaration from Breda, by stating that all controversies, in relation to grants, sales, and purchases, should be determined in parliament, which could best provide for the "just satisfaction" of all who were concerned. The parliament, however, did scarcely any thing in this way, the matter being taken out of its hands by the court; and as the court measures received their complexion from the mind of the chancellor, the possessors of the crown and church lands found themselves placed wholly at the mercy of the former proprietors. The sufferers soon began to remind the monarch of his promise, and of the confidence which they had reposed in it. The effect was, a proclamation, recommending a more equal method of procedure. This led, in some instances, to compositions and leases, which were less liable to objection; but those who had to treat with ecclesiastical corporations were generally expelled without compensation or delay. Clarendon was desirous of making

* Burnet describes Vane as being constitutionally a timid man; and his courage on his trial, and subsequently, as a matter of surprise to many. "He died with so much composedness, that it was generally thought the government had lost more than it had gained by his death." I. 164.

the restoration of church property complete. But in some other cases, his fears, or his regard for the royal promise, induced him to proceed with a caution, which provoked the loud censures of the more violent cavaliers. Those among this class who had been themselves parties to the sale of their property, though such sales had been effected to serve the king, and at great disadvantage, were left without any direct means of redress. Many of these persons, while they saw the monarchy restored in all its splendour, found themselves abandoned to penury. Their complaints, in general, were such as most men would have made.*

Settlement of the revenue.

With the convention parliament, this adjustment of property was not a point of greater moment than the settlement of the revenue. The parliaments of the last reign had insisted uniformly on the redress of grievances, as the condition of granting supplies. This conduct, though strictly conformable to ancient practice, had been regarded by the late sovereign as little short of rebellion; and the result was that conflict between the power of the people and of the crown, which ended in an overthrow of the monarchy. At present the parliament seems to have been hardly aware that there were popular evils of any kind existing. To provide against the exigencies of the crown, and to place around it a due splendour, a bill was introduced, which fixed the annual income of the sovereign at the sum of 1,200,000*l.*—an increase of more than one-third on the average revenue of

* Burnet, I. 165. Kennet's Register, p. 312. St. 12 Car. II. c. 17. Parl. Hist. IV. 80, 81. Clarendon's Life, pp. 17, 18, 20—38, 134.

CHAP. I. 1660.

Charles the first. Until this period, many remains of feudal servitude continued to press on the higher, and not unfrequently on the middle and lower classes of society, especially under the name of reliefs, wardships, and purveyance. The power over the property of the subject, with which these customs had vested the crown, was often injuriously exercised, and always liable to abuse. During the war an excise had been laid on beer; it was not meant to be a permanent tax, but it had been found productive, and the half of it was now proposed to be settled on the crown, in lieu of the branches of revenue above named. It was objected that this was to oblige the poor to purchase a relief belonging chiefly to the rich. But the measure was carried, and has been acted upon to our time. The king's moiety of the excise revenue was expected to be about 100,000*l.* a year; its total amount has since reached the sum of 18,000,000*l.**

The army disbanded.

But this improved treasury was by no means equal to the support of the existing army, nor was it the intention of parliament to make provision for any such body. The soldiers of the three kingdoms exceeded sixty thousand men; and, from the scenes with which they had been long familiar, it was not to be supposed that they could be retained in their present quiescent state through any considerable interval. The two houses were sensible that the reduction of this force — so necessary to the security of the new order of things — was a work to be proceeded in with the utmost

* Parl. Hist. IV. 117—119, 146—149.

caution. Fair words, and fair promises, were addressed to the military, directly or indirectly, both by the king and the parliament, and the disbanding of nearly forty regiments was so managed as to avoid disturbance. Charles, and still more the heir apparent, regretted the necessity of parting with an instrument of authority which they knew to be so necessary to the absolute power of sovereigns—a power which they flattered themselves belonged of right to that order of persons. But from the army as at present constituted, the royalists had much more to fear than to hope. It was contrived to retain a body of five thousand men, under the name of guards—a small force, but large enough to become a dangerous precedent.*

* Clarendon's Life, II. 18—20, 137. Parl. Hist. IV. 115, 116, 145. The discussions on the militia bill appear to have called forth some important observations in the commons. The bill was charged with bringing in martial law. One member said, "that whoever brought in martial law deserved to be made the first example of it." But there was no want of persons to laud the exercise of "compulsory justice for those who refuse to obey orders." Morrice, in supporting the plan submitted on this subject by the duke of Albemarle, observed, "that gunpowder was made of the same ingredients that caused an earthquake; and that as long as the soldiery continued, there would be a perpetual trembling in the nation; that they were inconsistent with the happiness of any kingdom."

CHAP. II.

ECCLESIASTICAL AFFAIRS TO THE DISSOLUTION OF THE CONVENTION PARLIAMENT.

ANTICIPATIONS OF THE PRESBYTERIANS AT THIS TIME.—THE ECCLESIASTICAL CONSTITUTION RESTORED.—POLICY OF THE BISHOPS.—RESTORATION OF THE EPISCOPAL CLERGY.—PROMISES MADE TO THE NONCONFORMISTS—DECEPTIONS PRACTISED UPON THEM.—THE KING'S DECLARATION REJECTED BY THE COURT-PARTY IN THE PARLIAMENT.

CHAP. II.

1660. Anticipations of the presbyterians.

We have seen that many of the late controversies, though to be decided by the sword, had their commencement in the pulpit, and that all of them were greatly influenced from that quarter. The presbyterians supplanted the prelatists both in the senate and the church; but when they saw the civil power passing into hands which were not of their party, these earlier opponents of the late king became, with few exceptions, the secret or avowed partizans of his exiled son. They were not altogether insensible to the danger of a restoration. It was hoped, however, that their numbers would be sufficient to protect them from any marked injustice, and they flattered themselves that their zealous services in promoting the return of monarchy would not only induce an oblivion of past offences, but constrain the king to treat them as friends. The royalists moreover had made the warmest professions of amity, with a view to

obtain the assistance of their old opponents; and it was natural to conclude that these railers at hypocrisy would hardly descend to publish themselves as men whose most solemn language was so hollow as to be utterly worthless. Above all, the king's declaration from Breda had pledged a respect for "tender consciences, and a just satisfaction to all parties;" and if other promises should fail, this, so openly given, and known to be so much confided in, would surely remain inviolate.

Ecclesiastical constitution restored.

But the act which restored the king restored the laws, both civil and ecclesiastical, to the state in which they were at the commencement of the war. The hierarchy accordingly was re-established, and all classes of separatists were proscribed as strictly as they had been under the administration of Laud. The whole of the matters imposed in the book of common prayer, as kneeling at the sacrament, the surplice, and the cross in baptism, became again legal, and might be enforced by the proper authorities.*

Policy of the bishops.

The prelates were sufficiently alive to the advantage of being thus entrenched by the laws, and resolved to limit their operations to the defensive.

* A bill for the settlement of religion was submitted to a grand committee, which was to sit "on every successive Monday." A MS. diary by one of the members has preserved some notices of two obstinate discussions which took place on this subject; the first on the 9th of July, the second on the 16th, when it was agreed to adjourn the committee until the 23d of October, that the matter might be considered by the king, and a select number of divines. Parl. Hist. IV. 79—84. "At last it was moved to adjourn it to another time, which was opposed by others; and the committee sat an hour in the dark before candles were suffered to be brought in, and then they were twice blown out; but the third time they were preserved, though with great disorder." It was quite natural that such a topic should thus have roused the presbyterians from their dreaming confidence in court promises.

CHAP. II. 1660.

There were two plans open to adoption, either of which would have satisfied the larger and more influential portion of the nonconformists, and might have saved the king and his council from the accusation of ingratitude and faithlessness. The first of these was the modification of episcopacy, according to the model prepared by archbishop Usher, in 1641, and also a revision of the liturgy in the same spirit of mutual concession. The second was to except the officiating clergy of the presbyterian denomination from the necessity of conformity on the points objectionable to them, should the continuance of those things be insisted on. But the latter plan, if meant as a permanent arrangement, was said to be clogged with insuperable difficulties; and the former was not really more acceptable to the prelates or the court, though it was agreed that the objections to be made to it should not be avowed before the convenient season.*

Restoration of the episcopal clergy.

In the declaration from Breda, Charles had pledged his assent to some healing measure with regard to religious differences. But Clarendon, who, contrary to that declaration, had managed to withdraw the question of church property from the cognizance of parliament, was equally desirous

* It was urged by the prelates that all objections to ecclesiastical administration, in a single person, were equally applicable to any secular administration thus emanating. This was meant to exhibit presbyterianism as the foe of monarchy. It could possess no sort of force, except as applied to a monarchy strictly absolute. It was not seen, that what this party now sought in the church was in fact precisely what had obtained in the state,—that the government of the bishop should be in connexion with an ecclesiastical senate or council. Collier, II. 872. So little had the bishops profited in the school of adversity.

that the adjustment of church controversies should not be left to the uncertain wisdom of that body. Hence, without the intervention of either house, the bishops were restored, individuals were nominated to the vacant sees, and the episcopalian clergy who had been sequestered from their livings, whether on account of their loyalty, their incompetence, or their vices, were empowered to resume possession of them. No incumbent who had succeeded a sequestered man was allowed to retain his cure, except in a few cases where the former occupant was not living.*

Promises made to the nonconformists.

But while the presbyterians were taught by these changes that their total expulsion from the established church was probably at hand, they were beguiled, during some time, with assurances that a reasonable accommodation would soon be contrived. Ten of their body were flattered with the honorary distinction of royal chaplains. Baxter, who was of this number, ventured to remind his

* Baxter, writing within three months of the king's return, says: "Before this time, many hundred worthy ministers were displaced, and cast out of their charges, because they were in sequestration, where others had been cast out by the parliament. Our earnest desire had been, that all such should be cast out as were in any benefice belonging formerly to a man that was not grossly insufficient, or debauched, but that all who succeeded such as these scandalous ones, should hold their places. These wishes were vain, and all the old ones restored."—Life, part ii. p. 241. A similar revolution took place with regard to the fellowships in the universities. "I met Mr. Crewe, and dined with him, where there dined one Mr. Hickeman, an Oxford man, who spoke very much against the height of the now old clergy, for putting out many of the religious fellows of collcges, and inveighed against them for their being drunk."—Pepys' Diary, I. 72. August 21. What Clarendon calls the leprosy of the late times, was not yet cleansed. "Saw the bishops all in their habits, in Henry the seventh's chapel. But, Lord! at their going out, how people did most of them look upon them as strange creatures, and few with any kind of love or respect." Ibid. Oct. 4, and 1. 81.

CHAP. II. 1660.

sovereign, that the strength of the late usurpation had arisen mainly from its protection and encouragement of devout men, without regard to trivial differences; and observed, that nothing would add so much to the credit of that authority among the people at the present juncture, as the adoption of a less liberal policy.* Charles professed to be much pleased that the presbyterian clergy were willing to conform to a mode of ecclesiastical government, which, while it modified the form of episcopacy, retained its essence. Nor was he less gratified to learn, that while they objected to some things in the established liturgy, they were not enemies to liturgies in general. His determination accordingly was to bring the two parties together by encouraging this spirit of mutual concession. The nonconformists regarded this as the language of sincerity, and it is said to have brought tears of joy from their eyes.†

The independents were little anxious about the honours or emoluments of the established church, but pleaded strongly for that legal toleration which the declaration from Breda had promised them.

Deception practised on them.

The moderation of the presbyterians, from which the king pretended to derive so much pleasure, placed some difficulties in the way of the prelates, and of the chancellor, who was their chief adviser. Charles next required the ministers to supply him with a statement of the changes which they deemed necessary in the government of the church, observing that if that article could be settled, the rest would be less difficult. The ministers consented,

* Baxter's Life, pp. 230, 231. † Ibid.

but required that a paper, stating what might be conceded, should be at the same time prepared by the bishops. The king acknowledged the propriety of this request, and promised that it should be complied with.

The paper presented by the presbyterians, recommended the adoption of Usher's model, with respect to government — a scheme which, while it preserved the office of the bishops, rendered their jurisdiction dependent, in some important particulars, on the concurrence of a presbytery. It was also urged that some respect should be shown to the scruples of conscientious men, in using the book of common prayer; and that several things contained in it, as kneeling at the sacrament, and bowing at the name of Jesus, should be abolished, or at least not enforced. It was evident from this paper, that the presbyterians were disposed to make very material concessions for the sake of peace. On their readmission to the royal presence, they expected to learn what the prelates were prepared to do for the same object; but to their surprise the bishops were not to be seen, nor was any communication made from them. A paper, meant as a reply, was prepared afterwards; but its only use was to show that no concessions were to be expected from the court. The subtle and revengeful temper which marked these proceedings dissipated the vain hope with which the vanquished had been hitherto deceived.*

The king's declaration.

But this policy was not without its danger, especially while the convention parliament was

* Baxter's Life, pp. 231—258.

CHAP. II. 1660. Sept. 4. Oct. 25.

sitting, and Charles deemed it expedient to resume the office of moderator. He published a declaration, which purported to supply a mode of settling the differences between the two parties. This document was not issued until it had been considerably modified by the influence of the presbyterian divines, and by their friends in the cabinet. In its amended form, it contained important concessions. Instead of vesting ecclesiastical jurisdiction with the bishop exclusively, it raised the inferior clergy from being mere teachers, to have a share in the functions of church government, on the plan of Usher's episcopacy. It also granted indulgence to conscientious men, with respect to subscription, ceremonies, and the oath of canonical obedience.* Reynolds, a leading non-conformist, was so far satisfied with these proposals, that he accepted the bishopric which had been offered to him. Calamy was on the eve of doing the same; and even Baxter declined that honour less from conscientious scruples than from other considerations.†

Opposed by the court party in parliament.

It soon appeared, however, that all these proceedings on the part of the court, were a mere device to gain time. The friends of the presbyterians in the lower house brought in a bill which was framed to convert the king's declaration into

* See the document in Parl. Hist. IV. 131—141. Clarendon proposed, or affected to propose, that the following clause should be added to the declaration: "That others also be permitted to meet for religious worship, so be it they do it not to the disturbance of the peace." This obliged the presbyterians to abet a toleration of popery, and of the sectaries, or to deny that liberty to others which they demanded for themselves. Baxter and his brethren preferred the latter side of the dilemma, reckoning the *worship* of papists and socinians *intolerable*. All they could concede to these parties was, that they should not suffer on account of their *opinions*.

† Baxter's Life, p. 259, *et seq.*

a law. This measure was introduced by judge Hales, but Clarendon contrived to separate him from his object by suddenly removing him to a place in the exchequer. The bill was then opposed to the utmost by the ministers of the crown, and a majority of twenty-eight was obtained against it, in a house of three hundred and forty. A few weeks later the convention parliament was dissolved.* CHAP. II. 1660. Nov. 28. Dec. 29.

Never had the chiefs of the Anglican church a fairer opportunity of conceding with dignity and perfect safety, and rarely has an opportunity of this nature been abused in a manner betraying a greater want of the most common feelings of honour and honesty.†

* Parl. Hist. IV. 141, 142, 152—154. Clarendon, II. 143.

† Clarendon describes the presbyterians as contending "with their usual confidence" for a settlement of their discipline, by "supreme authority, according to the covenant," (Life, II. 16;) a statement too grossly inaccurate to need formal correction. The writer approaches nearer to the truth, when speaking of this party, as urging a scheme which would "totally exclude bishops, *or* make them little superior to the rest of the clergy." To shew the propriety of that "severe execution of the law," against these professors, which was now contemplated, the chancellor adduces two instances of their "want of ingenuity and integrity." The one is, that Mr. Calamy promised, on certain conditions, to recommend the reading of the Common Prayer, and privately did the contrary. But it should be added, that the proposed conditions were not complied with; that the charge itself rests on the most suspicious authority; that it is falsified by the known intentions of Calamy at this juncture; and by the fact, as we must suppose, that it was after this time that this same chancellor invited this same Mr. Calamy to a bishopric.

The other instance is, that an address of thanks to the king, by the London ministers, for his declaration, had not the signatures of the divines admitted to the recent conference; and this is taken as proof, that such men as Calamy and Baxter were sorry to find their brethren satisfied with that paper, though professing to be satisfied with it themselves. And for these causes, that "severe execution of law," which was now determined upon, was to take place!—Ibid. II. 141—143.

CHAP. III.

PROCEEDINGS IN THE KING'S SECOND PARLIAMENT, FROM ITS MEETING TO THE ENFORCEMENT OF THE ACT OF UNIFORMITY.

NEW PARLIAMENT — ITS PROCEEDINGS. — THE SAVOY CONFERENCE — ITS CONCLUSION. — THE CONVOCATION. — REVISION OF THE COMMON PRAYER. — THE CATHOLICS. — THE QUAKERS — THEIR SUFFERINGS. — SCOTLAND AND IRELAND. — POVERTY OF THE KING — HIS MARRIAGE. — SALE OF DUNKIRK. — ACT OF UNIFORMITY — THE ACT ENFORCED — INJUSTICE AND CRUELTY OF THAT MEASURE. — MOTIVES OF THE NONCONFORMISTS. — EFFECT OF THESE PROCEEDINGS.

CHAP. III.

1661. The new parliament. May 8.

THE extravagant loyalty which characterized the convention parliament, had led that assembly into some dangerous excesses; but the spirit of the body which succeeded it, about four months later, was at a further remove from the bounds of moderation.* The lower house included somewhat more than

* The court appears to have had more to apprehend from the temper of the metropolis, than from the whole kingdom beside. "The great talk of the town is the strange election that the city of London made yesterday for parliament-men, viz. Fowke, Love, Jones, and (Thompson), men, that so far from being episcopal, are thought to be anabaptists; and chosen with a great deal of zeal, in spite of the other party that thought themselves so strong, calling out in the hall, 'No bishops! no lord bishops!' It do make the people fear it may come to worse, by being an example to the country to do the same. And indeed the bishops are so high, that very few do love them." Pepys, I. 98. Rapin, XI. 213. "Roger Pepys told me how basely things have been carried in parliament by the young men, who did labour to oppose all things that were proposed by serious men. That they are the most profane swearing fellows that ever he heard in his life, which makes him think that they will spoil all, and bring things into a war again, if they can." Pepys, I. 113.

fifty persons, who might sometimes express a doubt as to the infallibility of the court, but the large majority which remained was so managed as to be at the ready disposal of the chancellor. Never were the royalists so completely ascendant as at this moment, and their prostrate foes were not allowed to be without a due sense of their low estate.

Its proceedings.

We have remarked the strong effort made at this time to introduce further exceptions into the bill of indemnity—an effort which, from prudence, or a sense of honour, was resisted by Charles and some of his advisers. The sum of 60,000*l.* was voted for distribution among the more needy cavaliers—an amount which fell much below their demands. It was voted also by more than two-thirds of the commons, that the solemn league and covenant—a compact which the king had sworn three several times to observe—should be burnt by the common hangman. It was moreover declared, that there is no legislative power in either lords or commons, or both conjointly, without the king; that the command of the forces pertained beyond doubt to the crown; and that no parliament could have authority to levy war against the sovereign, either offensive or defensive. The statute of treason was rendered more comprehensive during the king's life; the bishops were restored to their seats as spiritual peers; and on the pretext of former excesses, the right of petitioning on the part of the people was almost destroyed. It was likewise resolved, that every member refusing to partake of the Lord's supper, according to the rites of the church of England, should be excluded; and the sectarian

CHAP. III. 1661.

test thus applied to the house of commons, was extended soon afterwards to all the corporations of the kingdom. Nor was this desecration of a religious ordinance sufficient for the purpose intended. It was not only required of all persons holding civil offices, that they should declare the oath concerning the league and covenant to be no longer binding, but that they should pronounce it unlawful to take arms against the king under any pretence whatsoever; and that they should abhor the traitorous position of bearing arms by the royal authority against the person of the sovereign, or those commissioned by him. Formidable as the cavaliers were in the present parliament, most of the boroughs through the kingdom were known to be under the influence of the presbyterians. Should the public feeling change, the opposition of that body was not to be slighted, and this last measure was meant to annihilate their power in the state, while others were preparing the way for their complete expulsion from the church.*

Savoy conference.

We have remarked the fate of the conference between the prelates and the nonconformists, while the convention parliament existed. This was such as to leave it scarcely possible that any subsequent effort toward accommodation should be attended with the least prospect of success. The court had prevented the king's declaration from becoming a

* Parl. Hist. IV. 178, *et seq.* Clarendon, II. 260, *et seq.* The object of the members was said to have been to pull up "all those principles of sedition and rebellion by the roots, which had been the ground of the infamous rebellion in the long parliament." The avowed policy of the chancellor was to bring all things back to their position in 1640.—Macdiarmid's Lives of British Statesmen, II. 358.

law, and had thus shewn that the promises which it contained were never meant to be performed.* But the presbyterians now clung to it as their last plank, and urged that the conference of which it spoke, for the purpose of revising the liturgy, might take place without delay.

It was at length agreed, that thirteen prelates and eleven nonconformists should assemble for this object. At this meeting the bishop of London commenced by observing, that as it had been convened at the request of the ministers, it devolved on them to state the alterations which they were concerned to see adopted; and it was required that these should be delivered in writing, and the whole of them at the same time.† Many objections were urged against this suspicious and unequal manner of proceeding. Baxter, however, prevailed on his brethren to comply with it. He reminded them especially, that what they did in this way must be

* It is singular that Clarendon describes the introduction of a bill "for making that declaration a law," as an artifice to keep the church "without any settlement," and takes credit to himself for having prevented any "further progress in it." Life, II. 143.

† Sheldon, who thus spoke, was afterwards archbishop of Canterbury, and for many years the most powerful churchman in England. The following story will suggest that this man's hatred of the nonconformists was more nearly allied to profanity than to piety, and the reason of his elevation to the primacy it is not hard to divine.—"At noon to dine with the archbishop at Lambeth: exceeding good cheer, no where better, or so much:—most of the company gone, and I going, I heard, by a gentleman, of a sermon to be there; and so I staid to hear it, thinking it serious; till, by and by, the gentleman told me it was a mockery, by one cornet Bolton, a very gentleman-like man, that behind a chair did pray and preach like a presbyter Scot, with all the possible imitations, in grimaces and voice. And his text about their hanging up their harps upon the willows: and a serious good sermon too, exclaiming against bishops, and crying up of my good lord Eglinton, till it made us all burst; but I did wonder to hear the bishop to make himself sport with things of this kind—there were about twenty gentlemen there."—Pepys, II. 342, 343.

CHAP. III. 1661.

less liable to misrepresentation, and could be submitted with more certainty to the judgment of the present and of future times. It is plain that the nonconformists acted in the whole of this business with equal prudence and energy, being impressed with the conviction, that what they did would be rejudged by their contemporaries at home and abroad, and by a distant posterity.

It would fatigue the reader, however, to attempt a detailed account of the continuous effort made on one side to bring the points at issue into fair discussion, and of the artifice as constantly resorted to on the other to keep all things in abeyance until the time to which the conference was limited should be drawing to its close. A revised liturgy was prepared, and was accompanied with a petition expressing an earnest desire of concord. This petition was delivered to the prelates, and contained certain reasons for peace, which it was known would be little acceptable to the persons to whom they were addressed, inasmuch as their tendency was to place the blame of discord where it assuredly was due. "After all this," says Baxter, "when the bishops were to have sent us two papers, one of their concessions, saying how much they would alter of the liturgy excepted against, and the other their acceptance of our offered forms or their reasons against them; instead of both these, a good while after, they sent a paper, as before, of their reasonings against all our exceptions, without any abatements or alterations at all that are worth naming. Our brethren seeing what they were resolved to bring it to, and how unpeaceably they managed the business, did

think best to write them a plain answer to their paper. This task, also, they imposed on me.— By this time our commission was almost expired; and therefore our brethren were earnestly desirous of personal debates with them upon the paper sent in to try how much alteration they would yield to. We, therefore, sent to the bishops, to desire it of them, and, at last, they yielded to it when we had but ten days more to treat.

"When we came to our debates, I first craved of them animadversions on our additions and alterations of the liturgy, which we had put in long before, and that they would tell us what they allowed or disallowed in them, that we might have the use of them, according to the king's declaration and commission. But they would not, by any importunity, be entreated at all to debate that point, or to give their opinions about those papers. There were no papers that we offered them that had the fate of these; though it was in these that some of them thought to have found recriminating matter, we could never prevail with them to say any thing about them in word or writing. Once bishop Morley told us of their length, to which I answered, that we had told them in our preface that we were ready to abbreviate any thing which, upon debate, should appear too long, but that the paucity of the prayers made the ordinary Lord's day prayers far shorter than theirs. And since we had given our exceptions against theirs, if they would neither by word nor writing except against ours, nor give their consent to them, they would not honour their cause or conference. But all would not

CHAP. III. 1661.

extort debates on that subject, or any reprehension of what we had offered them."

The mystery of this business is not altogether inexplicable. There is much reason to believe that the liturgy and the papers prepared by the nonconformists, passed immediately from their hands into those of persons who possessed both the inclination and the power to prevent the proposed compromise, and who gave the prelates their instructions as to the mode in which they should proceed. By the court, but chiefly by Clarendon, they were taught to argue that the king's commission merely authorised such alterations as should be necessary and agreed upon; and as they were not agreed to admit that any of the proposed changes were necessary, it followed that none of them should be introduced. It was remarked, that what did not appear necessary to their lordships, might be viewed in that light by others, and that the great object of the meeting was to obtain some prudent indulgence with regard to tender consciences. But the propriety of such indulgences the heads of the ruling church could not, or would not, understand.

To save appearances, however, it was at length resolved that a discussion should be conducted by three persons of either party, in the presence of their respective friends. The question to be determined was,—whether a command can be sinful, which makes that necessary to be done, that is not, in itself, unlawful. The object of the nonconformists was, to demonstrate the evil which is done to the conscience when men are obliged to

conform to practices as a part of divine worship, which they are sincerely, though, perhaps, erroneously, convinced must be displeasing to the Deity. That the sentiment of both parties should remain the same, was to have been anticipated; and was that result which the policy of the court had been employed from the beginning to secure.

Its conclusion. July 25.

Thus ended the Savoy conference. Since its conclusion, there has been no appearance of effort on the part of the authorities of this kingdom to effect a nearer union between the conformist and nonconformist clergy. The papers supplied by the nonconformists on this occasion—some of the most important of which appear, as before intimated, to have been secreted as soon as presented—were now printed, and sent through the kingdom, to the no small displeasure of the prelates, who were careful to warn their dependants against reading them. Such a publication could not fail to expose the insincerity observable in the conduct of the bishops and the court; it satisfied the presbyterians generally as to the manner in which their ministers had acquitted themselves; and it taught all parties to anticipate much of the faithlessness and intolerance that followed.*

The houses of convocation assembled.

The two houses of convocation had assembled a short time before the conclusion of the meeting at the Savoy. This usual appendage to an English parliament had been dispensed with during the sitting of the convention parliament, as the

* See this conference as described by Baxter, pp. 305—364; or in "the History of Nonconformity, as it was Argued and Stated by commissioners on both sides in 1661."

CHAP. III. 1661.

majority of the clergy would then have been presbyterians, or, at least, moderate men. Since that period, some hundreds of this class had been expelled from their livings, and it was agreed that no man should be considered eligible to vote in the present convocation, who had not received ordination from a bishop. A judgment may be formed of the arts that were generally adopted in packing the lower house on this occasion, from the conduct of Sheldon, bishop of London, with respect to Calamy and Baxter. That prelate had the power of choosing two members out of four, or four out of six, within a certain district, and in making his selection, he was careful to omit the divines abovenamed, who were chosen by the clergy of the metropolis—though he knew that in doing so, the ministers of London would be left without a single representative. This is merely an instance of the temper in which the ecclesiastical affairs of this crisis were almost invariably conducted.*

Revision of the common prayer.

The message which stated to the convocation the result of the conference at the Savoy, was accompanied by a letter from the king, which called upon that assembly to review the book of common prayer, and to make such additions or amendments as should appear to be necessary. By several of the prelates it was pretended that no alterations were required, but the majority professed to be of another judgment. At the close of a month the book was completely revised. Not less than six hundred alterations were introduced, and the reader who has patience to

* Baxter's Life, p. 333, *et seq.*

examine them will, perhaps, admire the ingenuity which could discover so much to improve, and, at the same time, leave nearly every point objected to by the nonconformists untouched. The general effect, indeed, was, that the prayer-book became more exceptionable than ever; and the terms of conformity more severe than before the late convulsions. So slowly do some men profit even by chastisement and experience. Intolerance had brought the hierarchy to ruin, and it is no sooner conscious of returning strength, than this evil spirit returns, and with an ardour augmented rather than diminished.*

* Among the improvements now effected in the national formularies, was an introduction of the legend of Bel and the Dragon. This was probably very agreeable to Dr. Gunning, a prelate, who had been a vehement opponent of the nonconformists in the late conference. "Went to St. Paul's church and did hear Dr. Gunning preach (being St. John's day), and did hear him tell a story, which he did persuade us to believe to be true, that St. John, and the Virgin Mary, did appear to Gregory, a bishop, at his prayer to be confirmed in the faith, which I did wonder to hear from him."—Pepys, I. 126.

Clarendon describes the opponents of all amendment in the prayer-book, as insisting that its restoration, in a strictly unaltered state, would be a proof that all the things so long urged against it had been found futile, and he regrets that this "more prudent" advice was not followed. As though the haughty pertinacity of the ruling clergy would not supply quite as natural a solution of such a course. From this sort of reasoning, the papal doctrine of infallibility derived its origin. (Clarendon's Life, II. 278—281.) The chancellor proceeds thus:—"It is an unhappy policy, and always unhappily applied, to imagine that that class of men can be recovered and reconciled by partial concessions, or granting less than they demand. And if all were granted, they would have more to ask, somewhat as a security for the enjoyment of what is granted, that shall preserve their power and shake the whole frame of the government. Their faction is their religion. Nor are those combinations *ever* entered into upon real and substantial motives of conscience, how erroneous soever, but consist of many glutinous materials of will and humour, and folly and knavery, and ambition and malice, which make men cling inseparably together, till they have satisfaction in all their pretences, or till they are *absolutely broken and subdued, which may always be more easily done than the other.*" Thus, good reader, speaks "the Chancellor of Human Nature!" And with this largeness of charity did the humane St. Dominic reason on the same subject, and lauded the Inquisition accordingly.

CHAP. III. 1661.

Before the close of this year, an attempt was made by the catholics to obtain a free exercise of their worship, and also by the quakers. The former distinctly renounced all secular allegiance to the pope, and dwelt much on their late services in the royal cause. But when considerable time had been occupied in plans and discussions, the claims of the jesuits were introduced, and the zeal of the persons who insisted on the admission of that order to the benefit of the proposed toleration, was such as to frustrate the whole scheme. The petitioners were openly supported by the heir apparent, and the catholic peers, and secretly by the king, who was commonly spoken of by these professors as with them in his heart. The numbers and the confidence of this body had much increased since the restoration. The favour, however, with which they were known to be regarded, in some influential quarters, exposed them to violent suspicions with nearly all classes of the community, from the haughtiest churchman down to the lowest of the populace. The present reign abounds with illustrations as to this state of parties.*

The catholics.

July.

The quakers.

The quakers, in their petition, appealed to the article of their doctrine which prohibited the use of arms, and to their general conduct, as affording proof that they were the friends of peace and subordination. But the effect of their zeal in this instance was most unhappy. Their enemies fastened upon them in the spirit of the vulture. An act was immediately passed, which declared that all persons who should refuse an oath when tendered

May 2.

* Clarendon, II. 266—272.

to them, or who should assemble more than five together, in any unauthorized place, for religious worship, should pay for the first offence a fine of 5*l.*, the second 10*l.*, and on a third conviction, should abjure the realm, or be punished with transportation. The act provided, also, that the inflicting of these penalties should be left to the discretion of any bench of justices.

Their sufferings.

In many parts of the kingdom the prisons were soon crowded with sufferers of this class, who often implored the clemency of the king, but too commonly in vain. Fox, the acknowledged leader of these people, addressed a narrative to the sovereign, containing an account of more than three thousand imprisonments, which had occurred among them since the restoration. A still more affecting description of the sufferings of this sect was published a little afterwards. But in the creed of Clarendon, sectaries were a sort of reptiles, and his great policy was to crush them. The means of doing this might sometimes occasion perplexity, but the end was a matter about which he had no misgiving.*

Changes in Ireland and Scotland.

While these signal changes were taking place in England, revolutions of the same character, and conducted in the same spirit, were commenced in Scotland and Ireland. In both kingdoms the prelates were vested with the supremacy claimed by their order in respect to all ecclesiastical affairs. Some resistance was made, but the hour had come in which it led only to evil. The men who accomplished these pious improvements in Scotland were

* Parl. Hist. IV. 233, 234. Fox's Journal, p. 582. Neal, IV. 282, 319, 320.

CHAP. III. 1661.

so frequently intoxicated, that the assembly which they employed to effect them obtained the name of the drunken parliament. The king, whether from humanity or policy, was not favourable to many of the severities that were adopted toward the land of his fathers. The English cabinet was also divided respecting them; but the selfish acquiescence of certain leading men in the north enabled the chancellor to carry most of his plans.*

Poverty of the king.

It was not possible that maxims so despotic and intolerant should be thus widely acted upon without creating a strong feeling of disaffection—concealed perhaps for a time, but ready to ignite from the first spark of discord. Before the close of the present year an incident of this nature occurred, and the effect which should have been anticipated followed. The convention parliament had found it less difficult to name 1,200,000*l.* as the future revenue of the crown, than to fix on the sources whence that sum should be obtained. Three-fourths only of the specified amount reached the treasury during the last year. Charles was no provident man, and the connexions to which his strongest propensities disposed him were directly at variance with his occasional purposes of improvement in that respect. But it should not be forgotten that on his accession he found himself in

* Clarendon, II. 92—129, 193—260. Burnet, I. 105—158. Neal, IV. 314, 315. The following passage relates to England, in August 1661: "At court, things are in a very ill condition, there being so much emulation, poverty, and the vices of drinking, swearing, and loose amours, that I know not what will be the end of it but confusion. And the clergy so high, that all people that I meet with do protest against their practice. In short, I see no content or satisfaction any where, in any sort of people."—Pepys, I. 115. Lingard, XII. 62—74.

a state of embarrassment, and that his first parliament, with all its loud expressions of loyalty, had done little to remove this source of perplexity. The king's debts were not inconsiderable; and to these the expenses of his coronation, and some others, were to be added. But, what was still more serious, the fleets and arsenals were in a much impaired state, demanding the immediate expenditure of two-thirds of the nominal revenue in the first year. A large sum was at the same time due to the army, the payment of which was indispensable. The new parliament voted four subsidies, amounting to something less than 400,000*l.* But whether it arose from prodigality or mismanagement, the king's want of money, which began with the restoration, appeared to defy every expedient introduced to meet it. The feelings of Charles were constantly irritated by these circumstances; and the measures to which he in consequence resorted, were to involve him in much secret disquietude and public difficulty.*

The king's marriage. May 20.

It was to relieve himself from these perplexities that he became the husband of the Infanta of Portugal; and his treatment of that amiable and defenceless woman exposed him to the indignation of every humane bosom. The people were reconciled to this alliance by the commercial advantages

* Parl. Hist. IV. 183, *et seq.* 230—233. Clarendon, II. 275—277. "I do not see much true joy, but only an indifferent one in the hearts of the people, who are much discontented at the pride and luxury of the court, and running in debt."—Pepys, I. 141. "The king is not able to set out five ships at this time without great difficulty, we neither having money, credit, nor stores."—Ibid. June 28, 1662. This diary extends to 1669, and abounds with proofs of the growing profligacy of the court and of the times, and of the increasing difficulties of the government.

CHAP. III. 1662.

which it promised; but the treasure which it placed in the hands of the monarch was not sufficient to prevent the return of embarrassment after a few months. This arose in part from the expenses of an armament despatched to aid the Portuguese fleet in the Mediterranean, agreeable to treaty, and partly from the requisite preparations to take possession of Bombay—a territory ceded to the king on his marriage.*

Sale of Dunkirk.

Clarendon shared in the distress of his sovereign, and the more as it was whispered by his enemies, that had a due improvement been made of the feeling which accompanied the return of monarchy, the recurrence of these difficulties would have been prevented. This insinuation appears to have been as ill-founded as it was ungenerous; but it haunted the mind of the chancellor, and was made familiar to the ear of the king.† In an evil hour Clarendon suggested that Dunkirk, then in possession of the English, should be sold to the French, and the purchase-money applied to meet the present exigency. Charles consented: but the council was divided; and every man betrayed a strong solicitude to be free from the responsibility

Oct. 17.

of the project. The sale, however, was effected at the sum of 500,000*l.* The chancellor said much,

* Clarendon, II. 315—343. Lingard, XII. 91—95. Pepys, I. 172.

† The story told by Burnet on this subject is, that a scheme was devised during the enthusiasm of the restoration, to render the king independent of the people, by securing him a revenue of 2,000,000*l.* a year, and that even Southampton concurred with it, the whole being frustrated by Clarendon's confidence in his ability to manage parliaments. There is a sort of confirmation of this account in Pepys, II. 318, 319. But not to notice several improbabilities in this anecdote, it is hardly doubtful that Clarendon would have regarded such a project as too barefaced to succeed, and have trembled for the consequences of a failure. That it would have failed, is to me beyond doubt.

and wrote much, to separate himself from the odium connected with this transaction. But he was regarded as its chief agent; and documents since brought to light have shown that the popular indignation to which the event exposed him was richly merited. A superb mansion, built about this time as his residence, obtained the name of Dunkirk-house.*

The act of uniformity.

But the fall of Clarendon was still at some distance.† That statesman had congratulated the parliament and the convocation on the amended state of the book of common-prayer. But these professions of concern about the decency and purity of the established worship were merely preliminary. They were to prepare the way for introducing the memorable act of uniformity. The bill brought in on this subject required all clergymen, all residents in the universities, schoolmasters, and even private tutors, to profess their unfeigned assent and consent to all and every

May 19.

* See Clarendon's laboured defence of his conduct in this affair, in the continuation of his Life, II. 383—391. "His narrative," says Dr. Lingard, "is perpetually belied by the original documents in the Lettres D'Estrades, pp. 279, 282, 283, 421, &c.; in the Supplement to the third volume of the Clarendon Papers, XXI.—XXV.; in Combe's Sale of Dunkirk. London. 1728; and Pepys, II. 369." See also Pepys, I. 171, 173.

† "Received by my lord and sir Thomas, with whom I had great talk: and he tells me, in good earnest, that he do believe the parliament (which comes to sit again the next week) will be troublesome to the court and the clergy, which, God forbid! But they see things carried so by my lord chancellor, and some others, that they will not endure it."—Pepys, I. 123. Nov. 13, 1661. "Great jealousies now in the parliament house. The lord chancellor, it seems, taking occasion from this late plot to raise fears in the people, did project the raising of an army forthwith, beside the constant militia, thinking to make the duke of York general thereof. But the house did, in very open terms, say, they were grown too wise to be fooled again into another army; and said, they had found how that man that hath the command of an army is not beholden to any body to make him king."—Ibid. Jan. 22, 1662.

CHAP. III. 1662.

thing contained in the book of common-prayer; to renounce the solemn league and covenant; and to pledge themselves to the now fashionable doctrine of passive obedience. The opposition made to this iniquitous proposal only served to bring its most obnoxious features into greater prominence, and to make it unquestionable, that when the bill should become a law, it was to be understood according to its worst interpretation, and to be enforced to the utmost. It was urged by a few sober men, that the volume referred to was of considerable extent, and relating to topics of great variety and importance; that many might be sufficiently satisfied with it to use it, and to use it with reverence, who could not in honesty declare a strict approval of every thing it contained, and that this difficulty was most likely to occur in the case of men who had been most accustomed to reflection on religious subjects, and who were most conscientious in the performance of religious duties. But arguments of this description were lost on the impassioned theologians of the lower house. A measure devised for the very purpose of expelling many of the most thoughtful and upright men from the church, they pretended not to see as having any such tendency.*

* "The king could not well refuse his assent, nor did in his own judgment or inclinations dislike what was offered to him." Clarendon, II. 288—296.

"The most wise and moderate of the ministers, and among others, the earl of Southampton, were of opinion, that nothing could conduce so much to public tranquillity, as to follow up the act of indemnity with an act of toleration. As the presbyterians differed nothing in doctrine from the church of England, and were equally the friends of a regular ecclesiastical establishment, they might, it was supposed, be reconciled to episcopacy, by some partial concessions in respect to forms; and the two predominant bodies of religionists be thus united in support of the government. But to

CHAP. III.

1662. Injustice and cruelty of this measure.

It has been justly remarked, that during the progress of this question, the lords had displayed a liberality which shocked the more rigid orthodoxy of the commons. "They appealed to the declaration from Breda. That instrument was an order made by the king, as head of the adherents to the church and the throne, and accepted by the several other parties within the kingdom. It was virtually a compact between him and the people, which fixed the price of his restoration. The people had done their part in receiving him; it became him now to secure to them the boon which he had promised. That boon, as far as regarded religion, was liberty to tender consciences, and freedom from molestation on account of difference of religious opinion; two things which, it was apprehended, could not be reconciled with the disqualifying enactments of the bill. The manager for the commons replied, that the declaration from Breda had been misunderstood. "Tender" was an epithet implying susceptibility of impression from without: a tender conscience was one which suffered itself to be guided by others; the liberty to tender consciences was, therefore, confined to the "misled," and not extended to the "misleaders;" it was granted to the flocks, but not to the ministers. In aid of this sophistical exposition, he also observed, that the (king's) declaration referred to the peace of the kingdom, and to a future act of parliament, as if the act to be passed had been one to impose restraint, instead of

all these lenient propositions, Clarendon declared his decided opposition" —Macdiarmid's Lives, II. 362, 363.

CHAP. III. 1662.

'granting indulgence,' or the allusion to the peace of the kingdom had not been understood as an exception of the seditious and anarchical doctrines promulgated by some of the fanatical preachers. The act of uniformity may have been necessary for the restoration of the church to its former discipline and doctrine; but if such was the intention of those who formed the declaration from Breda, they were guilty of infidelity to the king, and of fraud to the people, by putting into *his* mouth language, which, with the aid of equivocation, they might explain away; and by raising in *them* expectations which it was never meant to fulfil."*

The act enforced.

The act of uniformity obtained the royal assent on the nineteenth of May, and was to be enforced through the kingdom after the twenty-fourth of the following August. Sheldon, bishop of London, and subsequently archbishop of Canterbury, confessed to the earl of Manchester, that the design of this act was to compel the presbyterians to become nonconformists or knaves. When the appointed day arrived, about two thousand clergymen made the better choice in this alternative. They were most of them needy, and with dependent families, but cast themselves on the chances of providence rather than part with the approval of their conscience. The day chosen for this unrighteous exercise of power was the feast of St. Bartholomew—a season already memorable in the annals of ecclesiastical intolerance. The massacre of the Parisian protestants, and the policy

* Lingard, XII. 44, 45. Neal, IV. 324—333. Rapin, *ubi supra.*

now adopted toward the English nonconformists, were alike in their principle—the manner and the extent in which this principle shall manifest itself being mere circumstances, determined by the state of parties, or the temper of the age. It will not be supposed that this remarkable day was chosen to aid the sufferers in making such comparisons. But it was chosen for a reason which makes the resemblance less distant that it would otherwise have been. The tithes for the year became due from the feast of St. Bartholomew; and by removing the incumbents on that day, the punishment of deprivation was followed, in many cases, by the pressure of immediate want; while the clergy, who succeeded their ejected brethren, were empowered to reap where they had not sown.*

The severity of these proceedings was without parallel in the history of English protestantism. On the accession of Elizabeth, many catholic priests were deprived of their livings, but these

* Dr. Southey remarks, that the nonconformists choose to forget that it was on "the same day, and for the same reason," that "four times as many of the loyal clergy were deprived, for fidelity to their sovereign."—Book of the Church, II. 467. Eight thousand clergymen ejected for sheer loyalty, and all in one day!

Mr. Hallam thus adverts to this marvellous statement: "That the day was chosen, in order to deprive the incumbent of a whole year's tithes, Mr. Southey has learned from Burnet, and it aggravates the cruelty of the proceeding. But where has he found his precedent? The Anglican clergy were ejected for refusing the covenant at no one definite period, as on reflection Mr. Southey would be aware; nor can I find any one parliamentary ordinance in Husband's Collection, that mentions St. Bartholomew's day." Dr. Southey has replied to some animadversions by Mr. Hallam. Why was this exposure of his candour and accuracy overlooked? For some years past, this writer has been denouncing Neal as quite the most prejudiced and dishonest of all our historians. Yet, compared with the above statement, there is not a passage in the History of the Puritans that is not made up of impartiality and truth.

CHAP. III. 1692.

were all provided for by the government, though known to be its enemies. The same was the case with the episcopalian clergy during the late commotions; a fifth of their former revenue was secured to them, and that notwithstanding they were deprived, in many instances, for political more than religious reasons, and at a time when the dangers and the licence of civil war were abroad. But here were men whose loyalty had proved itself to be most ardent and confiding, men who could appeal to the royal promise as grossly belied by this aggression, and who are, nevertheless, expelled, with circumstances of studied violence and cruelty, and in a season of profound peace.* A marked feature in the injustice of this measure was, that it referred to the past as well as the future, though it must have been evident that many who were now old in their vocation, as ministers, would never have assumed it, could this new law have been anticipated. It is worthy, also, of distinct remark, that from the short time which intervened between the publishing of this amended liturgy, and the day of subscription, it was not, as Locke observes, more than one man in forty "that could have seen and read the book they did so perfectly assent and consent to."

Motives of the nonconformists.

The principles of such conformists are no new thing, and, unhappily for the credit of religion, are very generally understood. The opposite

* Clarendon determined to know them in no other character than as "promoters of the rebellion," and as having "no other title to their lives than the king's mercy." Their pleading for "liberty of conscience" he ascribes to their characteristic "impudence", and "malice," and to the want of more severity in the government.—Life, 11. 298.

conduct of the ejected party resulted from various considerations. Some of them had sworn an unalterable adherence to the league and covenant, and were reluctant to contract the guilt of perjury; nor was it of any avail to remind them of the wise example which the king had set before them on that point. Others had not learnt to value their civil liberties at so low a price as was required by the doctrine of passive obedience.* There were those, also, who were persuaded that the right of any earthly power to impose religious services on men, was more than doubtful; and others, who considered this assumption of divine authority in religious matters, as the main source of those corruptions, which had so much degraded the religion of the New Testament. Most, however, would have agreed to the adoption even of the present liturgy, and would have pledged themselves to abstain from making any additions to it, if conscientious men had been left to pass over the few points objectionable to them. But the act required conformity with respect to all and every thing, and knew no difference between the man offending in one thing, and the man offending in all things.

Men who are acquainted with the character of the nonconformists at this time, must often be surprised at the language adopted concerning them by certain writers who would be thought particularly enlightened on these subjects. It is almost amusing to observe the airs of wisdom with which

* The earl of Southampton assured Clarendon, that if the act, with this appendage, was to be urged upon the laity, he should refuse it.—Burnet, *ubi supra*.

CHAP. III. 1662.

these persons affect to deplore the weakness of so many well-meaning individuals who, to escape kneeling at an altar, or wearing a surplice, could expose themselves to so much suffering.* But these persons should, perhaps, be reminded, that the sum which Hampden was called to pay under the name of ship-money, was a very small sum; but inasmuch as that small sum was a tax, and a tax imposed by an authority which had no right to impose taxes, it was a trifle involving a momentous precedent—an embryo from which the most extensive revolutions might proceed. And men who look on these things with the eye of common sense, have yet to learn, why false authorities in the church, are not to be resisted quite as steadfastly as false authorities in the state. If a sickly acquiescence has often been found to make way for despotism on the part of the crown, has it not often made way for the same thing on the part of the mitre? And who, with the history of the papal hierarchy before him, will pretend that there is less to fear from the usurpations of the priest than from those of the magistrate? The men who stood forth in 1662, waging the war of freedom against the powers of intolerance, were in no small measure the saviours of their country; and well would it be if thousands who have since bestowed pity on their weakness could be ascertained to possess any fair portion of their strength—strength, we mean, to lay hold on important principles, and to suffer with a martyr's firmness in the cause of them. Such men

* Even bishop Heber, with all his amiableness and intelligence, can speak of the matters at issue being merely the "colour of a garment, the wording of a prayer, or kneeling at the sacrament."—Life of Taylor, p. 100.

as Baxter, and Howe, and Owen, and Calamy had few equals in their day, either in learning or in the judgment of affairs, as their opponents well knew.

Effect of these proceedings.

The conduct of the majority of the episcopalian clergy who had gone round with all the changes of the last twenty years, and who had concurred so implicitly with the one now accomplished, must have supplied an edifying exhibition to such a community as existed at this time in England. The infidelity which spread through the kingdom during this reign, may have received a strong impulse from the manners of the court; but its chief incentive was furnished by that large class of churchmen who, with the most hearty abhorrence of popery on the one hand, and of sectaries on the other, discovered no sense of religion, and were evidently victims of the lowest worldliness and ambition. Happily that religion which was often so worthless a thing, as seen in its established and its highest authorities, frequently wore a different aspect in the case of its less dignified ministers, and especially in the case of the many hundreds who were submitting to so much loss and suffering, rather than be parties to a system which dissolved its laws and sullied its purity. The office to which the outcast nonconformists were especially summoned, was to bear this testimony to the divinity of their faith, amid the wide-spread corruption of the times; and the abuse poured upon them while performing this solemn service toward their generation, came in the greatest abundance from those very pulpits from which they had been so treacherously expelled.

CHAP. IV.

INCLUDING THE PERIOD FROM THE ENFORCEMENT OF THE ACT OF UNIFORMITY TO THE FALL OF CLARENDON.

CHANGE OF FEELING IN THE COMMONS WITH RESPECT TO THE CHURCH —ITS CAUSES.—POLICY OF CHARLES WITH REGARD TO THE NONCONFORMISTS—PROMISES TO SUSPEND THE ACT OF UNIFORMITY—WITHDRAWS THAT PROMISE—PUBLISHES HIS DECLARATION OF INDULGENCE —IT IS OPPOSED BY PARLIAMENT—HIS DISPLEASURE.—THE CONVENTICLE ACT.—THE FIVE-MILE ACT.—LAW ON TRIENNIAL PARLIAMENTS. —THE DUTCH WAR.—NEW METHOD OF RAISING TAXES—ITS EFFECT ON THE PRIVILEGES OF THE HOUSES OF CONVOCATION.—PARLIAMENT APPROPRIATES SUPPLIES—APPOINTS AUDITORS OF PUBLIC ACCOUNTS. —GENERAL DISCONTENT.—FALL OF CLARENDON.

CHAP. IV.

1662. Change of feeling in the commons with respect to the church.

THE reader who has observed the sentiments of freedom which pervaded the English house of commons under James the first and his successor, must have been struck with the altered feeling on that subject in the case of the men who were called to exercise the same functions under the present monarch. The persons chosen were from the same rank with those of the former reigns, and a large number of them from the same families; yet they seemed to belong to another climate. The popular leaders, from the death of Elizabeth to the meeting of the long parliament, were all attached to the established church, and so were their followers. Their respect, however, for the church, was not such as to prevent their checking its slightest advance toward encroachment on the

civil constitution; and they were far from being silent with regard to its manifest tyranny or corruption. In the practice of the present house of commons, this kind of discrimination had no existence. With these persons, there was not so much to venerate in the most sacred barriers of the constitution, or even in the most favoured flowers of the prerogative, as in what was regarded as constituting the safety or the splendour of the established church. That hatred of popery which had breathed out in the speeches of Coke, and Pym, and Rudyard was retained; but to this hereditary feeling was added an equal abhorrence of all sects, together with an ardent attachment to that sort of christianity of which Laud had been the great patron, and which the opponents of Laud above-named had regarded with so much suspicion and disgust. CHAP. IV. 1662.

Its causes.

These opposite preferences may have resulted in part from the same cause—the sympathy which is attracted by suffering. Until the commencement of the civil war, the puritans were chiefly known as a devout and injured people, and there are generous natures which are always disposed to become the advocates of the suffering, and especially of suffering integrity. But through the last twenty years the scale had fallen on the other side. The episcopalian clergy had been called to crouch beneath the power of their former victims, and in the memory of a large portion of the present generation they were only known in these circumstances. In their prostrate state they shared more in the respect of their adherents than they had ever done. The early puritans were long sheltered

CHAP. IV. 1662.

as persecuted protestants, equally adverse to popery and arbitrary power. But many infractions of civil liberty had taken place during the commonwealth, and these, though often the result of necessity, and rarely the work of any religious body, had not been favourably, or even fairly, interpreted. Their effect was to expose all parties to distrust, even with respect to the most acknowledged principles of civil freedom. But above all, the insolence of democracy which had broken forth so wildly, from about the time of the king's death, to the restoration, had inflicted so deep a wound on the feelings of hereditary importance in the nobility and superior gentry, as to make them the fervent advocates of such an establishment of religion as might form the best security against the return of an evil which they had felt to be so humiliating. The cavaliers were not only the enemies of serious piety, but of every thing that resembled it; and the persons of superior rank who were not strictly opposed to it, were generally satisfied with those cold and partial recognitions of christian truth, in which the episcopalians prided themselves as the evidence of moderation, but which ill suited the better theological culture, or the more fervent devotion, that continued to characterise the nonconformists. The preachers among the presbyterians and independents, who possessed the acquirements of the scholar and the manners of gentlemen, were commonly distinguished by what would be regarded in many educated circles as an enthusiasm of feeling. The religion which shall promise safety in the next world, without

producing much inconvenience with regard to the present, is the scheme that will be found best adapted to the earthly nature of mankind.*

Policy of Charles with respect to the nonconformists.

But though facts of this description may assist us in accounting for the change so observable in the religious predilections of the lower house, there was something in its conduct toward religious parties which these circumstances do not fully explain. Indeed, this method of proceeding resulted, in great part, from a cause to which only a passing allusion has been made. Contemporary writers agree in intimating their conviction, that Charles, who certainly died a catholic, was secretly of that persuasion through the whole of his reign. These writers are equally agreed in stating it to have been the fixed policy of the catholic party, and of the king, as secretly its head, to increase the number of sufferers, on account of nonconformity, to the utmost, in the hope of, at length, obtaining a scheme of toleration, and one that should be sufficiently comprehensive to include the catholic worship. Hence the concurrence of Charles, and of many beside, in the present severities with regard to the presbyterians, and dissenters generally. The larger the number of seceders from the established church, the greater it was supposed would be the necessity for an established liberty of conscience, and that liberty the monarch had determined should be extended to all or to none.

The independents are described as true to their principles. They would have had the measure placed on this broad surface, and they were not

* Hallam, II. 195, 196. Clarendon, II. 286—296, *et alibi.*

CHAP. IV. 1662.

backward in reminding the presbyterians of their inconsistency, in seeking a freedom which they were not willing to bestow. From popery they saw little to fear, while the parliament, and the bench of bishops, should be animated by their present passions, or while all parties, being placed on the same footing, would be at liberty to direct their strength against it as a common adversary. The exceptions made by the presbyterians referred to papists and socinians, who, in the language of that body, were "intolerables." It is due to them, however, to add, that they did not directly oppose such concessions even to these parties, but simply declined appearing among the promoters of any plan that should comprehend them. It was, at the same time, distinctly understood, that the most scrupulous presbyter would not hesitate to avail himself of the general liberty, when granted.

That the king had promised an indulgence to tender consciences, in his declaration from Breda, was not disputed; but the plea of the court was, that this indulgence was to be conferred through the medium of parliament, and as that power had seen proper to withhold it, the royal honour was represented as secure. This flimsy pretext deceived no man. It was far from exonerating the king, whose conduct in relation to this important subject was not such as his people had been taught to expect from him, and it left the majority in the cabinet, and in the two houses, exposed to the charge of gross duplicity and fraud.*

* Baxter, pp. 429, 430. Clarendon, II. 296, 297. "Both independents and presbyterians," says Dr. Lingard, "were true to their principles. The

1662.

Charles, whether from his preference of popery, or a sense of justice, was evidently concerned that what he had been understood to promise, should be faithfully performed. He, accordingly, assured the presbyterians, that, though the act of uniformity had passed, its enforcement should not commence on the appointed day.

He promises to suspend the act of uniformity.

Before that day arrived, however, Charles had the mortification to learn that this pledge, though publicly given, must, for various important reasons, be withdrawn. The prelates and their dependants not only pronounced the intended suspension of a solemn statute to be dangerous, but concurred with their friends, the judges, in declaring it to be contrary to law, and an alarming encroachment on the constitution;—so jealous of the empire of the laws were these patriotic men, when their own generous policy required it! When the day arrived, the act, as we have seen, was enforced to the letter.

But withdraws that promise.

Aug. 24.

The ejected clergy, and their adherents, joined with the other parties, through the kingdom, in calling on the monarch, with an increased earnestness, to grant them the boon so solemnly promised, and so insidiously delayed. Charles renewed the consideration of this subject with his council. The greater number remained obstinate: but the minority observed, that a suspension of the ecclesiastical laws had been converted into a branch of revenue by the two last sovereigns, and

independents sought to obtain indulgence for all, catholics as well as others: the presbyterians could not, in conscience, concur in favour of catholics, though they would not oppose them. The king might do as he pleased, but they would not advise him or encourage him to do it."—XII. 101.

CHAP. IV. 1662.

founding this practice on the act of supremacy, which declared the king to be the head of the church, they advised the monarch to avail himself of this example at the present juncture.

Publishes his declaration of indulgence. Dec. 6.

This reasoning induced the king to publish a paper, the declared object of which was, to refute "four scandals cast on the government." The first scandal related to the act of indemnity, which was spoken of by opposite parties as still unsettled:—this rumour was asserted to be false. The second scandal referred to the five thousand men who were retained in arms, under the name of guards. These were viewed with jealousy, as the beginnings of a force, which was more likely to find employment in promoting despotism than in suppressing disorder. The king promised to reduce the number of these obnoxious troops as soon as the more tranquil state of the kingdom should warrant it, and, at the same time, expressed himself deeply averse to the supremacy of any power, save that of the laws. But another scandal was, that the monarch had shewn himself the friend of popery. Charles professed to cherish a grateful remembrance of the loyalty manifested, and manifested so generously, by the body of English catholics, during the misfortunes of his father's government; nor was he disposed to conceal that he meant the proposed indulgence to extend, in some degree, to that portion of his subjects. But it was by no means his design to grant an open toleration of their worship. At this moment, however, the king's chief difficulty arose from another source. The complaints which related to the catholics were

neither so loud nor so general as those which were called forth by the late enforcement of the act of uniformity. Charles professed to regret that his conduct, on that subject, was not only censured, as that of a persecutor, but as faithless and cruel. This was the fourth scandal to which the paper referred, and which he was concerned to deny. The obnoxious law he described as necessary to the peace and security of the established church, and to those objects he considered himself bound by many obligations. But it was far from his intention to overlook the claims of his subjects, whose conscience might prevent their compliance with the established worship; and as he deemed himself pledged, by his declaration from Breda, to make provision for their indulgence, it should be his endeavour to obtain an act from the legislature, that might enable him "to exercise, with more universal satisfaction, that power of dispensing which he conceived to be inherent in the crown."*

It is rejected by parliament.

But the presbyterians were suspicious that the friendliness expressed toward them in this document, proceeded from a wish to advance the interests of popery, as the sort of religion most favourable to arbitrary power. Civil liberty was not an object of due solicitude in the cabinet or the senate; but what the zeal of many persons lacked on that account, was abundantly supplied by their more intense hatred of catholicism, and the promotion of that cause was believed to be at the foundation of all these professions with regard

* Kennett's Regist. p. 848, *et seq.*

CHAP. IV. 1663.

to toleration. Before the two houses had reassembled, the king became aware of the undesirable impression which his declaration had made, and to cover his plans, he not only abstained from the topic of dispensing with the ecclesiastical laws, but called upon the parliament to adopt more rigorous measures for preventing the increase of popery.

Feb. 18. He ventured, however, to appear as the advocate of the nonconformists, recommending that some indulgence should be granted them, if it were only to prevent their quitting the kingdom, or to avoid

Feb. 23. goading them into conspiracies. A bill was introduced on this subject, but it was loosely worded, and, in the esteem of the leading members of the cabinet, and of a great majority in both houses, was a kind of masked battery, directed against the established church, and through that channel, against the great protestant interest. The commons, without waiting for the matter to come regularly before them, addressed a remonstrance to the king, reminding him, with much vehemence, of the incalculable evils which any suspension of the ecclesiastical statutes must entail on himself and the kingdom. The only effect of such a measure would be, to increase what it was meant to remove, by rendering dissenters still more importunate, by multiplying sects, by giving a legal existence to schismatical assemblies, and by preparing the way for those diversities of opinion with respect to religious, and, consequently, to civil government, which must weaken every bond of the state, and conduce to its ruin. So the bishops reasoned; and they were warmly supported

by Southampton, and, what was less surprising, by Clarendon, who came from his sick room to share in the honours of the contest. The result of this determined opposition was, a total failure of the measure.* 1663. March 12.

His displeasure on that account.

The queen-mother, and the active party about her in Somerset-house, were interested observers of these proceedings, and the influence of Henrietta could only serve to inflame the resentment with which Charles retired from this unequal struggle. Clarendon, when he next met his sovereign, was assailed with a violence of censure to which he had not been accustomed. Southampton, too, became aware that he had fallen much lower in the esteem of his master; and the bishops, who had been hitherto treated with marked courtesy, were addressed from this time with coldness, gradually avoided, and, by degrees, came to be the daily jest of that light, but dangerous, class of men, who maintained their influence with the king by ministering to his pleasures. Charles complained aloud that the intolerance of the prelates had been the ruin of his father, and that after all the lessons which experience had taught them, they were resolved on the same courses. He accused them of ingratitude and injustice in having conspired to prevent the accomplishment of his promise, knowing, as they did, that to the faith reposed in that promise *he* was indebted for his restoration, and *they* for their power. This was not unreasonable language, as far as it had respect

* Parl. Hist. IV. 311, *et seq.* Clarendon, II. 468—473. Burnet, I. 334, 335. Southampton's zeal must be traced mainly to his jealousy of popish councils.

CHAP. IV. 1663.

to the protestant nonconformists. How far it would apply to the difficulty felt with respect to the catholics is another question. It is certain that a toleration of the catholic worship was not among the things intended by the parties who were most concerned in effecting the restoration of the monarchy, though the general terms of the king's pledge might be not unfairly interpreted as including it. But conceding to the bishops the credit, if credit it was, of having felt all the horror which they expressed with regard to popery, their conduct, upon the whole, obliges us to suppose that we should have heard much less about the designs of papists, if it had not been thought desirable to make the necessity of guarding against popery a pretext for oppressing its most determined adversaries—the protestant nonconformists. The present cry on this subject had risen since 1660, but the prelates were as intolerant then with respect to the nonconformists as now.*

In the proceedings of the present session, the relentless temper, which had been hitherto manifested toward both these parties, was shown to be undiminished. Not content with preventing the adoption of any measure for the relief of the catholics, the two houses wrung a proclamation from the king, which called upon all catholic priests to leave the kingdom on pain of death. And after much discussion, as to the best means of crushing the cause of nonconformity, it was agreed to present an address to the king, praying that all penal statutes against papists on the one hand, and

* Clarendon, II. 473—476.

sectaries on the other, should be put into immediate and vigorous execution.*

1663. The conventicle act.

And the cup of intolerance was not yet full. In the autumn of the present year, there was a rising of some discontented persons in Yorkshire and Westmoreland, among whom were individuals professing the tenets of the fifth-monarchy men. This feeble movement was soon suppressed: but the usual arts were adopted to magnify it, and to convert it into a justification of greater severities on the part of the government. It was pretended that disaffected persons might assemble on the plea of religious worship to promote treasonable designs; and a bill was passed, in which all private meetings for religious exercises, including more than five persons, beside the members of the family, were insultingly described as conventicles, and declared to be unlawful and seditious. The offender against this act was fined in the first instance 5*l.*, or imprisoned three months; for the second instance 10*l.*, or imprisoned six months; for a third offence the penalty was a 100*l.*, or transportation for seven years; and every offence beyond a third, exposed the party to a repetition of this fine, or to the consequence of its non-payment.†

October.

1664. May 16.

All this moreover was done in contempt of that sacred institute—trial by jury, the awarding of these mulcts and penalties being left to the discretion of any justice of the peace. Nor should it be forgotten, that these justices had been converted, by means of the recent test oaths, into the ready instruments of almost any policy which the

* Parl. Hist. IV. 263.

† St. 16 Car. II. c. 1. 4.

CHAP. IV. 1661.

existing government might deem it expedient to adopt. "The calamity of the act," says Baxter, "beside the main matter, was, that it was made so ambiguous, that no man that ever I met with could tell what was a violation of it and what not, not knowing what was allowed by the liturgy, or practice, of the church of England, in families, because the liturgy meddleth not with families; and among the diversity of family practice, no man knowing what to call the practice of the church. According to the plain words of the act, if a man did but preach and pray, or read some licensed book, and sing psalms, he might have more than four present, because these are allowed by the practice of the church in the church; and the act seemeth to grant an indulgence for place and number, so be it the quality of the exercise be allowed by the church, which must be meant publicly, because it meddleth with no private exercise. But when it came to the trial, these pleas with the justices were vain; for if men did but pray, it was taken for granted that it was an exercise not allowed by the church of England, and to jail they went."*

All classes of dissenters were comprehended in the prohibition of this act. But the quakers, who professed themselves to be moved to assemble openly, heedless of the law of man, were the greatest sufferers. The jails were crowded with them, and became scenes of wretchedness to which a modern slave-ship affords the only resemblance. There was no party, however, that was not harassed by the malignity of informers, by vexa-

* Life, *ubi supra*.

tious prosecutions, by fines, and imprisonments, and exile, such as no humane man can review without indignation and sorrow. These proceedings would have merited the strongest reprobation, had they occurred under the government of Laud; but in the present case, their odium was increased almost immeasurably by their being in the place of that toleration which the king had distinctly promised, and which the people had as distinctly accepted. "The world," says Dr. Lingard, "had seldom witnessed a more flagrant violation of a most solemn engagement."*

The five-mile act.

But the triumph of the oppressor was not yet complete. Most of the nonconforming clergy remained in the midst of the people who had constituted their charge, and gave so much of a religious character to their more frequent intercourse with them, as in some measure to supply the place of their former services as preachers. By this means also, much of that pecuniary support of which their ejectment was expected to deprive

* Lingard, XII. 110. Baxter, 433—436. Burnet, I. 352, 353. Parl. Hist. IV. 328. The attempt to impose the non-resisting oath on the nation was frustrated by three voices only.

"The people," says Baxter, "were in a great strait, those especially who dwelt near any busy officer, or malicious enemy. Many durst not pray in their families, if above four persons came in to dine with them. In a gentleman's house, where it was ordinary for more than four visitors, neighbours, messengers, or one sort or another, to be most or many days at dinner with them, many durst not then go to prayer, and some scarcely durst crave a blessing on their meat, or give God thanks for it. Some thought they might venture, if they withdrew into another room, and left the strangers by themselves: but others said, it is all one if they be in the same house, though out of hearing, when it cometh to the judgment of justices. Great lawyers said, if you come on a visit, or business, though you be present at prayer or sermon, it is no breach of the law, because you meet not *on pretence of a religious exercise:* but those who tried said, such words are but wind, when the justices come to judge you."—Life, *ubi supra.*

CHAP. IV. 1665.

them, continued to be received; and their influence through the country was not lessened by their appearing among their followers in the light of sufferers on the score of integrity and true religion.

There was also another circumstance which served about this time to place the nonconformist clergy in an advantageous contrast with their opponents. During the recess of parliament in 1665, many of the latter fled from the capital to avoid the ravages of the plague, while the former chose rather to share in the danger of their friends. Some of them presumed to ascend the vacant pulpits, and preached to multitudes who were calling with the earnestness of the perishing for their spiritual aid. The passions of devout men, while addressing an auditory under such circumstances, would not be always at their command; and in some instances the ministers are said to have described the spreading pestilence as a judgment brought upon the nation by the licentiousness of the court, and the flagrant injustice which had marked the conduct of the ruling powers. These unguarded comments, if they were really uttered, were uttered only by a few, but they served as a pretext for punishing the many. It had long been a matter of solicitude with the conformist clergy, to remove their rivals from that connexion with their people which necessity and inclination had induced them to improve so as in a great degree to mar the object of their persecutors. The parliament, to escape the infection which was depopulating the metropolis, held its next session at Oxford, and among its earliest proceedings was the passing of a bill, which required

every person in holy orders, who had not complied with the act of uniformity, to take the oath respecting passive obedience, and to bind himself against making any endeavour toward an alteration in the government of the church or the state. The persons refusing this oath were prohibited from acting as tutors or schoolmasters, and were not to be henceforth seen within five miles of any city, corporate town, or borough sending a member to parliament.

This malignant statute was strenuously supported by Sheldon, the primate, and had the approval of Clarendon; but the earl of Southampton, who had concurred with these persons in opposing the late plan of toleration, resisted this ultra measure with all his influence. That influence, however, was exerted in vain. It was urged by the more liberal party, that the clause which prohibited taking arms against the king, or those commissioned by him, should have the word "legally" before commissioned, but this, it was contended, must be understood. With this understanding the oath, in a few instances, was taken. But the conscience, or the patriotism, of the greater number, was not pliant enough to admit of their following these examples. Thus most of the ejected ministers were banished to obscure villages, where they were not only separated from their friends, but were generally surrounded by a people sunk in the grossest ignorance, and easily wrought upon to treat them with the most rancorous bigotry.*

* Parl. Hist. IV. 327. Baxter, Part III. 1—13. The passage which follows is descriptive of a state of things, which became common to nearly

CHAP. IV.

1664. The law of triennial parliaments.

We have noticed a slight insurrectionary movement in the north, as an event which was magnified by the intolerant party in the cabinet so as to facilitate their introduction of the conventicle act. That occurrence was at the same time appealed to as shewing the importance of abolishing the triennial bill—a law, it will be remembered, of the long parliament, which was meant to secure the return of a new parliament in every third year. It happened that while some of the insurgents, in the instance adverted to, professed to hold the doctrines of the fifth-monarchy men, and thus gave somewhat of a religious character to their foolish enterprise, others appealed to this triennial bill, contending that as the present parliament had existed three years, and as the government had failed to issue the necessary writs for a new assembly, the people were justified in convening

every county in the kingdom. "Mr. Taverner, late minister of Uxbridge, was senteneed to Newgate, *for teaching a few children* at Brentford, but paying his fine prevented. Mr. Button, of Brentford, a most humble, worthy, godly man, who never had been in orders, or a preacher, but had been canon of Christ Church, in Oxford, and orator to the university, was sent to gaol, *for teaching two knights' sons* in his house, not having taken the Oxford oath. *Many* of his neighbours at Brentford were sent to the same prison, *for worshipping God in private together*, where they all lay many months. I name these because they were my neighbours."—Ibid. These things happened while Baxter resided at Acton. Pepys says, August 1664, "I saw several poor creatures carried by, by constables, for being at a conventicle. They go like lambs, without any resistance. I would to God they would either conform, or be more wise, and not be eatched!"

In 1665, several eminent protestants on the continent wished to open a correspondence with Baxter, having the highest opinion of his talents and piety, and much sympathy with him and his brethren in their present state of unrighteous suffering. Amyraut, professor of theology at Saumur, and Zollicoffer, were among these persons. But, according to Baxter, to have complied would have been his ruin, "though the matter (of his letters) had been ever so much beyond exception."

themselves and choosing their representatives. Such, in fact, were the provisions of that cautious enactment. But the jealousy which these provisions implied, and the power which they vested in the people, had been frequently noticed by the more ardent royalists in terms of strong reprobation. Charles now deemed it proper to call the attention of the two houses to this subject. In his address the king professed to be much indebted to parliaments; to be strongly attached to them; and to be convinced that the monarchy could never be secure without their frequent recurrence. But with respect to the triennial law, he must assure them, that were he otherwise minded, he would never allow a parliament to come together by the means which it prescribed. This was bold language; it was nothing less than to assert, that there were cases in which the pleasure of the crown might supersede the provisions of the legislature. No notice was taken of this alarming doctrine in either house, and it was agreed to rescind the obnoxious law, as being opposed to the king's prerogative. April 5.

But an act was passed which required the same thing as to the return of parliaments, omitting those precautions for securing it which were contained in the former. Before the present reign had closed, it became evident that the clauses which the jealousy of the long parliament had connected with their statute on this subject, were strictly necessary, if the regulation was to be prevented from becoming a dead letter at the pleasure of the court. Clarendon regarded this measure as

CHAP. IV. 1664.

of the greatest importance to the crown. But his object, from the hour of the restoration, was the destruction of every thing which had been in any way extorted from that power during the late contest. Every concession of this kind was viewed as a positive injury done to monarchy—a breach that must be repaired before the stability and splendour of royalty could be said to be restored. The state of things to which his wisdom and eloquence had been opposed in 1641, was now regarded with admiration; and could his plans have been matured, it is hardly doubtful that he would have revived the courts of high commission and star-chamber, and, under the plea of loyalty, and the graver plea of religion, would thus have enslaved both the body and the soul of his countrymen; or, at least, have supplied the means with which both might have been readily accomplished.*

War with the Dutch.

But this session was distinguished by another transaction, of no less importance than the triennial bill. Charles had listened to certain of his advisers, and to a large body of his subjects, who called loudly for a declaration of war against

Feb. 22.

Holland,—the power whose commercial enterprise every where competed with that of England. The unprecedented sum of two millions was voted in aid of this object;—so much had it interested the passions of the people. The method of taxing adopted to secure so large an amount is a point deserving the reader's attention, as it put an end to the old method of raising money by subsidies,

* Parl. Hist. IV. 290—292. Clarendon, II. 420, who had assisted in framing the law which he now denounced as infamous.

and virtually annihilated the authority of the two houses of convocation.*

1664.

The plan of obtaining a revenue by means of a monthly assessment on the several counties had been successfully resorted to by the long parliament. Hitherto it had not been deemed expedient to follow a precedent furnished by so doubtful an authority. But the serious failure in the amount of the last subsidy, induced the royalists to dispense with their scruples, and, in this instance, to copy the example of those revolutionary governors, whose memory they had so often branded as infamous. Thus the ancient plan of subsidies, and tenths, and fifteenths, gave place to our present system of taxation.

New method of raising taxes.

With respect to the houses of convocation, on them it had always devolved to tax the clergy, in the same manner as the votes of the commons affected the laity, the only difference being, that the votes of the spiritual power could not be enforced by the magistrate, until confirmed by the secular. But the new system rendered it difficult to preserve this distinction between lay and clerical property, and the representatives of the latter were prevailed with to forego their claim at the present crisis, from regard to the public interest. The right, however, which the clergy were merely requested to suspend, is one which they have never been allowed to resume. As they were to be taxed by the parliament, in common with the laity, it was no more than just that they should be admitted to vote as freeholders at elections, and

Its effect on the privileges of the houses of convocation.

* Clarendon, II. 422, *et seq.*

CHAP. IV. 1665.

this was the sum of their return for the loss of the privileges connected with a regular convocation of their spiritual rulers, and of their house of representatives. It was, no doubt, somewhat mortifying to discover that convocations no sooner ceased to be necessary as a means of obtaining money, than their existence became a mere shadow. But so it was:—all their other functions seemed to have at once expired, and they met for little else than to receive a message from the head of the church, which dismissed them to the sphere of their general duties. This important change in the ecclesiastical branch of the constitution is the more remarkable, as it took place almost imperceptibly, without the interference of any direct law on the subject, and in an age when zeal for the secular credit of the hierarchy had reached an extreme unknown in our history since the accession of Elizabeth. What circumstances wrought into custom, acquired, by degrees, the force of law.*

Parliament appropriates its supplies.

This session, and those of the two following years, became memorable, as establishing the right of the commons to appropriate supplies to particular purposes, and, also, to appoint commissioners for auditing public accounts. A precedent in favour of the first practice had occurred in the last parliament under James, and others had taken place under the Plantagenet princes. Two millions had been estimated as the expense of the war with the United Provinces, and when the additional sum of 1,250,000*l.* was about to be voted in further support of that object, it was required, as the condition, that

* Parl. Hist. IV. 309—311.

it should be exclusively applied to the end proposed. Clarendon, as usual, was displeased with this jealous provision, describing it as an innovation, which would prove deeply injurious to the crown. But Charles, on being assured that the money would be much more readily obtained on these terms, intimated that they should be complied with. From this time it became an acknowledged principle, that the monies voted by the commons were to be voted to specific objects; this rendered it necessary that estimates, as to the sums required for those objects, should be laid before the house; and from the whole there resulted to parliament the means of preserving an important check on every branch of public expenditure.

Appoints auditors of public accounts.

But to render this control effective, it was still necessary that the public disbursements should be subject to examination, and this point engaged the attention of the house in the session of 1666. There was abundant reason to suspect that no small portion of the money supplied in aid of the war, had passed into the hands of mistresses and favourites, and these suspicions were increased by the sensitive manner in which the proposed investigation was resisted by the more responsible parties. Even Clarendon intimates that large sums had disappeared in a way that could not be explained to any body of commissioners, and documents, published since his day, have placed this beyond doubt.*

* Clarendon, III. 699—701, 710, 744, 790—794. Parl. Hist. IV. Pepys writes, in Sept. 1666, as follows: "Mr. W. and I went by water to White-

CHAP. IV. 1666.

The opposition of the chancellor to all inquiry on this subject, did not arise from any wish to see a profligate court enriched from a public treasury. It was the effect of that superstitious loyalty, which taught him that he should become a party, indirectly, even to such demoralizing actions, and expose his country to be insulted from without, and consumed from within, rather than throw the weight of a straw into the scale which he regarded as opposed to the monarchy and the church. He prevailed on the king to prorogue the parliament while the obnoxious bill was pending. Charles endeavoured to extricate himself by promising to appoint commissioners of his own. In the next session, however, it was found necessary to pass the bill in its original shape. The investigations which followed, extended not only to the expenditure of money, but to the employment of stores; and the abuses brought to light added much to that jealousy which had been for some time directed toward the government, both in the parliament and through the kingdom.

hall, and there, at sir George Carteret's lodgings, sir William Coventry met, and we did debate the whole business of our accounts to the parliament, where it appears to us that the charge of the war, from Sept. 1, 1664, to this Michaelmas, will have been but 3,200,000*l.* and we have paid in that time somewhat about 2,200,000*l.*, so that we owe about 900,000*l.*; but our method of accounting, though it cannot, I believe, be far wide of the mark, yet will not abide a strict examination, if the parliament should be troublesome. Here happened a pretty question of sir William Coventry,—whether this account of ours will not put my lord treasurer to a difficulty, to tell what is become of all the money the parliament have given to this time for the war, which hath amounted to above 4,000,000*l.*?—which nobody there could answer." The same writer states, in the next month, that the moneys unaccounted for were 2,390,000*l.*! and that when the country party were urging the appointment of commissioners to inspect these accounts on oath, it made "the king and court mad; the king giving order to my lord chamberlain, to

1667. General discontent.

The nation, indeed, was by this time somewhat aware that the anticipations in which it had so fondly indulged at the restoration, were the illusions of an ill-guided imagination. Expectations so flushed and sanguine, were inseparable from bitter disappointment. This must have followed, in some measure, under the wisest management, and was an evil which Charles was not qualified, either by nature or habit, to provide against. Failing so grievously in much that prudence might have accomplished, the consequences soon began to show themselves in many aggravated forms. The disbanded troops had not contributed to tranquillity in the case of that large portion of the community among whom they were dispersed, and it was notorious that the cavaliers were many of them as little satisfied with the general policy of their rulers as the nonconformists. Civil liberty, it is true, was not invaded by a military power, as in some glaring instances under the commonwealth; but it suffered quite as much, in effect, from oppressive laws, and from the enlarged authority of that partisan magistracy which had been moulded and established

send to the play-houses and b—— houses, to bid all the parliament-men that were there to go to the parliament presently; but it was carried against the court by thirty or forty voices."

We may believe, with Pepys, that many items introduced to bring the accounts even into the above state, would not indeed "bear a strict examination:" 40,000*l.* had been recently put down to the queen, instead of 4000*l.*, and was corrected at her command. This was no doubt done with the king's knowledge, and at a time when he was wasting her jointure upon the instruments of his pleasures. It was the common talk, it appears, that the lady Castlemaine openly ordered the payment of her bills from the privy purse. All the Christmas presents lately made by the peers to the king, were bestowed upon her, and, as a consequence, she appeared "at the great ball richer than the queen and the duchess put together."—Pepys' Diary, I. Sept. 23, Oct. 8, 10; also pp. 216, 277, 278; and II. 50, *et alibi.*

CHAP. IV. 1667.

throughout the kingdom. Since the days of Philip and Mary, protestant sufferers had never been so multiplied; nor had the amount of protestant suffering ever been so great, though a few solitary cases of vindictive punishment, might be selected from the reigns of Elizabeth and Charles the first, to which no parallel had been supplied under the present monarch. Never were the public burdens so heavy as they had now become—and for what end? It was that Dunkirk, which Cromwell had wrested from the grasp of an hereditary foe, should be sold back to that foe, and that the gains of that sale should be wasted upon the objects of licentious attachment, and their base-born dependants. It was that a war, in which something greatly more important than national vanity was at stake, should be waged with bravery by our fleets, and rendered disastrous solely by the bad management and secret fraud of our counsellors—and so disastrous, that the pettiest chief in Europe feared not to risk the displeasure of our armaments, while the enemy entered our very harbours, and burnt and destroyed in the very sight of our people! Men who had looked with exultation on the corpse of Cromwell, when exposed on a gallows, could now speak of that usurper's magnanimous patriotism, and vigorous policy, and of those better days when the resources of England were not to be squandered among the worthless, and when the thunders of her strength were more than enough to awe the most distant and powerful.*

* The account given by Pepys of the speeches and the conduct of the civil authorities, of the people, and even of the seamen, while the Dutch were

With these evils, which resulted from the weakness or the wickedness of men, were others which seemed to bespeak the displeasure of their Maker. It will be remembered that in 1665, the plague began to desolate London. It proved fatal to a hundred thousand persons. The year following, two-thirds of that city was destroyed by fire.

Fall of Clarendon.

The disorders which were under the control of human agency, and those which were above it, all contributed to increase discontent; and to this feeling it was the fate of Clarendon to become a sort of peace-offering. Since the restoration, the chancellor had been the most powerful subject of the realm, and he had contrived to make himself, beyond comparison, the most unpopular. In the court he had offended the more dissolute by the pride of his morals, and had displeased many of a better class by his pride of office. He might justly claim the gratitude of Charles and of the bishops; but with respect to every other party in the cabinet, the senate, and the nation, he had done little that could render him estimable, and much that could not fail to procure him enmity. His known horror of popular rights had rendered every friend of civil or religious liberty his opponent; and no class of men complained more bitterly of his conduct than the needy cavaliers—a party thickly scattered through

in the Thames, burning and capturing the flower of our navy, betrays so strange a destitution of national pride or public spirit, that no Englishman, possessing a spark of patriotism, can review without a sense of degradation. But there was a cause. "The night the Dutch burned our ships, the king did sup with my lady Castlemaine, at the duchess of Monmouth's, and there were all mad in hunting a poor moth!" The esteem in which this modern Sardanapalus was now held, is thus noticed: "It is said, that the king of France do make a sport of us now, and says, he knows no reason why his cousin, the king of England, should not be as willing to let him have his kingdom, as that the Dutch should take it from him."—11. 77, 85.

CHAP. IV. 1667.

town and country. These insisted that his neglect of their sufferings resulted purely from the rapacity of his temper; while the people generally, from their otherwise dissatisfied feelings, attributed more of their burdens and disasters to his evil management than could be fairly ascribed to it.

The bishops were his friends to the last; but Charles, though he knew the impeachment, preferred against him by the commons, to be founded chiefly on surmise or fabrication, had many reasons for concurring with those who wished the removal of his faithful servant. It was an object which his favourite mistress had long employed all her arts to effect. The monarch accordingly advised, and at length commanded, his fallen chancellor to leave the kingdom. Clarendon, with reluctance, obeyed. His enemies, to protect themselves from the possibility of falling under his resentment, procured the passing of a bill which exposed him to the

Dec. 29.

penalties of treason should he return. It provided, also, that no pardon should be extended to him, except by an act of parliament. He frequently wrote to the king, entreating permission to appear again in England, but Charles had long ceased to regard him with confidence or affection, and felt no disposition to subject himself to the least inconvenience in his favour. Clarendon found an asylum in France, and died at Rouen in 1674, seven years after his banishment.*

* Parl. Hist. IV. 390—403. Clarendon, III. 525, *et seq.* Southampton expired a little before this time. He had intrusted much of his business as treasurer to sir Philip Warwick, the bad effect of which is noticed by Pepys, so early as 1662. "Mr. Blackburne do tell me plainly of the corruption of all our treasurer's officers, and that they hardly pay any money under ten per cent.; and that the other day, for the mere assignation of 200*l.* to some counties, they took 15*l.*, which is very strange."—I. 131.

CHAP. V.

INCLUDING THE PERIOD FROM THE FALL OF CLARENDON TO THE PASSING OF THE TEST ACT.

CHANGE IN THE NATIONAL FEELING WITH REGARD TO FRANCE AND SPAIN.—THE SPANISH NETHERLANDS INVADED BY LOUIS.—THE TRIPLE LEAGUE FORMED. — TREATY OF AIX-LA-CHAPELLE. — PARLIAMENT. — CAUSES WHICH PRODUCED A SECRET ALLIANCE BETWEEN LOUIS XIV. AND CHARLES. — CONVERSION OF THE DUKE OF YORK. — SECRET CONFERENCE IN FAVOUR OF THE CATHOLIC RELIGION AND ARBITRARY POWER. — NATURE OF THE CONCEALED COMPACT BETWEEN CHARLES AND LOUIS.—PARLIAMENT.—IMPEACHMENT OF THE EARL OF OSSORY.—DISPUTE WITH REGARD TO THE JURISDICTION OF THE PEERS. — THE NONCONFORMISTS — A SCHEME MEDITATED TO RESTORE THEM — SUPPRESSED BY PARLIAMENT. — CONTROVERSY RESPECTING NONCONFORMITY—PROCEEDINGS OF THE CABAL—THE EXCHEQUER CLOSED.—PIRATICAL ATTEMPT ON THE DUTCH FLEET.—DECLARATION OF INDULGENCE. — STATE OF THE CONTINENTAL WAR. — THE INDULGENCE RECALLED. — THE TEST ACT. — FATE OF THE DISSENTERS' RELIEF BILL.

CHAP. V.

1667. Change in the national feeling with regard to France and Spain.

Those indications of departing strength in the Spanish monarchy, which had been so vigorously exposed by the genius of Raleigh, were now too obvious not to be generally perceived. But the decline of Spain was in no point more evident than the progress of France. In the latter kingdom the protestants were a subdued people; the hereditary turbulence of a powerful aristocracy was completely broken; and to avoid the delays, and the inconvenient pretensions, of parliaments, it had

CHAP. V. 1667.

been contrived to dispense with their services. Those despotic schemes, which had fascinated the powerful imagination of Richelieu, were matured by Louis the fourteenth. A despotism was thus established, more splendid than any European power had exhibited since the fall of the Roman empire, and one which threatened the most serious consequences to the cause of protestantism, and the liberties of free men among the surrounding nations.

Since the epoch of the reformation, the animosity which had so long existed between this country and France, was directed against Spain. But as the latter power became less imposing in its achievements, and our older antagonist became in the same proportion more formidable, the old-fashioned hatred of the French began to revive. So much was this the case, that Charles professed to regard himself as almost the only man in his dominions to whom a French alliance was really agreeable.*

The Spanish Netherlands invaded by Louis.

Louis had married the daughter of the Spanish monarch, Philip the fourth, and on the death of his father-in-law, laid claim to a large division of the Spanish Netherlands, in right of his wife. It

* The following anecdote will afford a sufficient illustration of my text: "Heard of a fray between the two ambassadors of Spain and France, and that this day being the entrance of an ambassador from Sweden, they intend to fight for the precedence. Our king, I heard, ordered that no Englishman should meddle in the business.—In Cheapside I hear that the Spanish hath got the best of it, and killed three of the French coach-horses, and several men, and is gone through the city next to our king's coach, at which it is strange to see how all the city did rejoice. And indeed we do naturally all love the Spanish, and hate the French. I saw the Spanish coach go by, with fifty drawn swords at least to guard it, and our soldiers shouting for joy."—Pepys, I. 118, 119, Sept. 30, 1661.

is unquestionable, however, that the French king had bound himself in the most distinct terms never to prefer any demand of this nature on the ground of his union with the Spanish princess. It was urged, indeed, by Louis, that the sickly infant who survived as the heir of Philip, was by a second marriage, while the French queen was by a first—a distinction which, according to the law of Brabant, would have given preference in a matter of private property to the queen's pretensions. The marriage treaty, however, had been framed so as to exclude this kind of claim, and every other, and of this Louis was sufficiently aware. But if the reasoning adduced in support of this project was thus feeble, the forty thousand veterans, conducted by the French monarch to the frontiers of the disputed territory, supplied a sort of argument that was likely to prove irresistible.

Formation of the triple league.

The Spaniards were a people doomed to inherit all the evils of despotism with few of its advantages. They wasted that time in deliberation which their opponents employed in the field. Louis, with small effort, possessed himself of several towns, which placed the Low Countries at his mercy. The Spanish cabinet complained aloud of this perfidy, and what was of much more importance, every power in Europe became in some measure aware that this ambitious enterprise must affect more interests than those of Spain. An alliance was formed, after a negotiation of five days, between the United Provinces and England, the object of which was to restore peace, and to preserve the balance of the European powers, by

CHAP. V. 1668.

insisting that the French king should be satisfied with his present conquests, and that the Spanish cabinet should concede to the victor the portion of territory already possessed by him. Sweden joined this memorable confederacy, which in consequence obtained the name of the triple league.

January.

Treaty of Aix-la-Chapelle.

The celerity with which this mediating power was called into existence, is to be ascribed to the genius and patriotism of sir William Temple, as the ambassador of Charles; and to the celebrated De Wit, as the chief minister of the republican provinces. Louis was surprised and displeased on finding his projects impeded so early, and in a manner so formidable. Spain, on the other hand, forgetting, as usual, her present weakness, in the proud recollection of her former strength, was indignant on being required to abandon so many important provinces in deference to a claim so plainly unjust. But when the ambassadors from the several courts assembled at Aix-la-Chapelle, the neutral powers concurred in urging these conditions, and for the present peace was restored.*

April 22.

Parliament.

While the foreign policy of England was thus assuming a more honourable character than had distinguished it since the restoration, parliament was reassembled. The duke of Buckingham, who aspired to the place from which he had contributed to expel the late chancellor, was a man so void of good principle, and so offensively vicious, as to be generally despised. The commons accordingly paid little attention to the measures which his creatures were employed to propose. The house

Feb. 10.

* Temple's Works, I. 312, *et seq.*

proceeded to examine various parties as to their public conduct, and the manner in which they had disposed of the public money, particularly prince Rupert, the duke of Albemarle, Brunkhard, and the commissioners Pett and Penn. They granted a moiety only of the sum required for the navy, and rendered an attempt to obtain some favour toward the nonconformists worse than useless The plan of toleration, in this instance, was restricted to *protestant* separatists, but it created the usual alarm, partly from the opposition felt by many to a toleration of any kind, and partly from the old suspicion that the present step was merely preliminary to a toleration and a reestablishment of popery.*

* Parl. Hist. IV. 404—422. The prayer of the house was, that his majesty "would issue his proclamation for enforcing the laws against conventicles, and all unlawful assemblies of papists and nonconformists." The king promised compliance, and pressed an immediate attention to the business of supply. The discussion on this subject affords some hints worthy of notice. Colonel Sandys "never knew a toleration without an army to keep all quiet." Sir Humphry Winch considered an army and toleration as equally dangerous. Sir Philip Warwick was so wise as to consider this point settled by asking the following question: "If I prove that a man needs not scruple any thing in the church, why should he be further indulged?" Mr. Ratcliffe wished the act of uniformity revised, and "the assent and consent" reconsidered by a conference of episcopalians and presbyterians. Sir Charles Wheeler "has a great kindness to the presbyterians, being assistant in their prayers and endeavours in the restoration of his majesty. But for the independents, which are anabaptists, &c. many of them are not christians, some arians, and some socinians." Sir T. Littleton reminded the house, that the king of Poland granted the most extensive toleration in the world, and yet needed no army except in time of war. He also ventured to affirm, that the unauthorized impositions of the clergy had occasioned nearly all the national disorders since the accession of Elizabeth. Sir John Cotton replied, that presbyterianism was "most destructive of government," inasmuch as it asserts that the king, though "greater than any other man, is less than the people." Sir John Birkenhead exclaimed, "In judaism, paganism, mahometanism, and christianity, in none of these is a toleration sufferred. Must their mother, the church of England, bow to a few novices? He would not advise his prince to do what destroyed his

CHAP. V.

1668.

Causes which led to the secret alliance between the courts of France and England.

The tone of these proceedings was likely to confirm the monarch in certain secret purposes that were known only in part to his contemporaries, but which are with us matters of history. It is now certain, that the triple alliance, a measure of the soundest policy, and eminently popular in this country, was not at any time agreeable to Charles or his more confidential advisers. The causes of this dissatisfaction were various. It was no longer to be concealed, that an arbitrary government was not to be established in England without much patient contrivance and effort. It was at the same time well known, that with the English monarch, whatever interfered most with his ease and his pleasures, was of all things the most unwelcome. Hence the claim which such a project would prefer on his self-denial, seemed to be necessarily fatal to it. There were causes, however, which served to render the slightest prospect of a greater freedom from restraint in a high degree pleasing to him. Charles was particularly anxious to have a much greater command of money, than any English parliament, as at present constituted, would be disposed to concede to him; and also to prevent that meddling with his expenses and indulgences, which was authorised by the present forms of the

father." Mr. Seymour observed, "The effects of the act of uniformity have been much for the good of Holland, in point of trade. He would have an address to his majesty, to grant a liberty that may not endanger the public peace." Colonel Birch doubts "whether it be lawful among christians to use any other weapons than what our Master used." On the question of his majesty's entertaining proposals, with a view to unite his protestant subjects —the noes were a hundred and seventy-six against seventy.—Ibid. A bill for suppressing seditious conventicles was carried by a hundred and forty-four against seventy-eight. This was a continuation of the former act, the period of which had expired.

constitution, or to which he found himself obliged by circumstances to submit. The investigations recently entered upon by the parliamentary commissioners were especially odious to him. The freedom also with which his conduct was censured in the coffee-houses of the city, was felt as an annoyance scarcely less tolerable. The restraints laid on the press had rendered political discussion in those places of resort more frequent and violent than they would otherwise have been. Clarendon, with his accustomed indifference about the liberties of the subject, when the pleasure of the sovereign was concerned, recommended that meetings held in such places should be prohibited, and that spies should be employed to bring the licentious in speech to punishment. Charles concurred with this proposal, but remarked, that in justice the warning should precede the encouragement of informers. Coventry, to his great honour, declared himself strongly opposed to both plans, and, to the regret of the king and the mortification of the chancellor, succeeded in preventing the enforcement of either.*

The state of the king's mind on these points was so little a secret, that there were not wanting men to congratulate him on the destruction of two-thirds of his capital by fire—insinuating that if this accidental demolition of the walls and gates of that turbulent city were duly improved, the city authorities would be found to have performed their last service as the rival of the court. It was not surprising that a people, whose ears were familiar with

* Dalrymple, II. *ubi supra*. Clarendon, III. 676—679.

CHAP. V. 1668.

these dark speeches, were sometimes in doubt as to whether the conflagration of 1666 was really the work of chance.*

In the year following, the state of the war supplied a pretext for making a considerable addition to the force which had been retained by the monarch, from the time of his accession, under the name of guards. But such was the jealousy which this proceeding excited, that some leading members from both houses, considered it important to apprise the king, that the existence of such a power was regarded by a large portion of his subjects as a grievance, and one that should be redressed without delay. This communication was made by the earl of Northumberland, who was supported by the earl of Leicester, lord Hollis, Pierpoint, and others of the same character. To the king this information must have been unacceptable, but much more so to the duke of York, who was more uniformly desirous of elevating the prerogative, and deeply sensible that without such a force as the people of England were resolved not to tolerate, all his long-cherished plans must be frustrated. France was the only foreign power from which the aid necessary to the furtherance of these plans could possibly be obtained; and Charles had not forgotten the offer of secret supplies of money which had been made to him from that quarter soon after the restoration.†

* Clarendon, III. 675. "This kind of discourse, for the wit and pleasantness of it, was repeated in all companies, infinitely to the king's disservice."—Ibid.

† Macpherson's Extracts, pp. 38, 39. Life of James, p. 426. Clarendon, II. 170—174. Clarendon Papers, III. 1, *et seq.*

1668. Conversion of the duke of York.

The views of the royal brothers, it must be remembered, extended to something more than a release of the crown from a few inconvenient restraints imposed on it by the forms of the civil constitution. The duke of York informs us, in his memoirs, that his attachment to the church of England was first shaken by reading a book which one of her prelates had published to vindicate her separation from the church of Rome. His difficulties increased on reading an answer to that work, which the same divine submitted to his perusal. This was during his exile. After his return to England, he read Heylin's History of the Reformation, and the preface to Hooker's Ecclesiastical Polity, which not only convinced him that protestantism was a mere schism, but rendered him incapable of supposing that any unprejudiced man could study the same authorities without arriving at the same conclusion. That James was conscientious in his decision is beyond doubt, though he could not but perceive the intimate connexion between certain tendencies of his new faith, and those arbitrary maxims in relation to civil government, with which he was so much enamoured. We know not, therefore, how far his conscientiousness as a religious man, was aided by his selfishness as heir apparent to a throne. The point would probably have eluded his own search.*

The case of Charles was in some respects different. He had for some time secretly preferred

* Life, 1. 629, *et alibi*. His duchess followed his example (Kennet, p. 320), on which Mr. Hallam remarks, "It is plain that she, as well as the duke, had been influenced by the Romanizing tendency of some Anglican divines." II. 245.

CHAP. V. 1668.

the catholic faith, and partly on account of its fitness to induce that passive submission on the part of subjects, which he saw rendered to his good brother of France, but which had long ceased to be the habit of Englishmen. There were moments, however, in which he was influenced by graver motives; in which he felt the need of some easier scheme of salvation than the purer forms of christianity exhibited; and the system of the Romish church, so shrewdly adjusted to the varieties of human character, was adapted to meet this state of mind. While her convents and her hermit cells have supplied a sphere, in which to exercise the severest stoicism, the most reckless voluptuary has rarely found a difficulty in obtaining her inspired absolutions. With Charles, however, this kind of religious feeling was a thing of rare and transient occurrence, compared with his anxiety to be free, as a sovereign, and still more as a man, from popular animadversion and control.

Secret conference in favour of the catholic religion, and arbitrary power. 1669.

It was on the twenty-fifth of January, that a conference took place between the king and the duke, in the presence of Clifford, Arlington, and lord Arundel of Wardour, the object of which was to deliberate on the best means of advancing the catholic religion in the British dominions. Charles is said to have wept while expressing his long subdued feeling on this subject. After much discussion, it was agreed that France was the only power possessing the means and the inclination to forward such an enterprise. It was obvious that its accomplishment must be the effect of intimidation, and it was equally plain that the force

1669.

requisite to that end was not to be raised in England.*

Nature of the concealed compact between Charles and Louis.

A secret negotiation was accordingly commenced with the French king, who, after some affected hesitation, entered into the views of his good brother in England, promised him the sum of 200,000*l.* annually, so long as his plans might require it, and the assistance of six thousand French troops. But Charles, in return, was to aid the French monarch by sea, in an attempt to subdue the United Provinces, seven of which were to be annexed to France; part of Zealand was to be retained by England; and some other provision was to be made for the young prince of Orange. With respect to the Spanish monarchy in itself, and in its dependencies, it was stipulated that should the sickly child, at present king of Spain, be removed by death, the king of England should assist his most christian brother, both by sea and land, in his claim upon that country, and, in the event of success, should possess himself of Ostend, Minorca, and as many of the Spanish settlements in the New World as he might have the means of conquering. The extent of this marvellous scheme was rather conjectured than understood at the time; but within the last fifty years ample documents relating to it have been made public. Those secret enterprises, which have so often brought men to the scaffold under the name of traitors, have rarely included so much to render the sufferers worthy of their fate, as was comprehended in this matured conspiracy of crowned heads and trusty courtiers.

* Life of James, pp. 440, 441. Macpherson, p. 50. Dalrymple, II. 22.

CHAP. V. 1669.

It contemplated nothing less than an overthrow of the protestant interest, and of the liberties of Europe; the destruction, in fact, of every vestige of civil or religious freedom on the face of the earth!*

It is said that Charles, during his residence in the Netherlands, had imbibed an inveterate dislike of the Dutch.† But the chief solicitude of both monarchs was to weaken a power, whose energy had so long furnished a dangerous example to the subjects of those despotic governments which encircled it. With regard to the good people of England, they were to be persuaded that the subjection of Holland was strictly necessary to protect the interests of British commerce.

It was proposed by the English monarch, that his profession of the catholic faith should precede a declaration of war; and he accordingly solicited his royal colleague to supply him with the promised aid, or, at least, with part of it. Louis was prudent enough to urge, that the king should avoid the chances of domestic disquietude until the foreign object should be accomplished. But this difference of judgment between the two sovereigns appears to have been more apparent than real, and to have proceeded from a measure of distrust with regard to each other, and to the probable issue of their respective plans.

* Dalrymple, II. 4—21, 30, *et seq.* Macpherson, 1. 56. Temple, 11. 40. Lingard, XII. note B. Burnet, 1. 521, *et seq.*

† "I am told how in Holland publicly they have pictured our king with reproach. One way is, with his pockets turned the wrong side outwards, hanging out empty; another, with two courtiers picking his pockets; and a third leading of two ladies, while other abuse him, which amounts to great contempt."—Pepys, Nov. 28, 1663. Burnet, 1. 530.

CHAP. V.

The delay thus produced wearied the patience of the French king, and the duchess of Orleans, sister to Charles, was despatched to employ her influence with him on this point, during a visit at Dover. A treaty was at length agreed to; but it was one in which the king still reserved to himself the liberty of choosing the time in which to avow his change of creed. Even yet the English monarch hesitated to commit himself. The impression that might be produced on his subjects by declaring himself a catholic, was of a nature that could not be anticipated with any precision. And, with regard to that part of the scheme which seemed to contemplate a general restoration of popery, it had not been deemed prudent to disclose it to more than four of his ministers. Buckingham, Shaftesbury, and Lauderdale, were kept in ignorance of the whole project during several months; and when it became necessary to make use of them, they were rendered parties to a mock treaty, resembling the true one in all respects, excepting the articles on religion. After proceeding even thus far, it is scarcely doubtful that Charles would soon have abandoned a scheme attended with so much danger and so much trouble, had not his ministers contrived to involve him in a war with the Hollanders almost without his consent. This was the point about which Louis was chiefly solicitous; and this obtained, his wavering ally was left to suit his convenience as to the time of avowing his religious conversion—an event which happened not until brought to his death-bed.*

1670. May 22.

1671. January.

1672. June.

* Dalrymple, II. 31—68. See also Life of James, p. 444. The duke

CHAP. V. 1669.

By such steps Charles and James were taught to look for aid where they never should have sought it, and by means of these dark enterprises, a fixed jealousy was produced between the house of Stuart and the English people. From these causes the revolution of 1688 mainly proceeded. The existence of this conspiracy, even in its earlier stages, was partially understood, both in Sweden and Holland, the parties united with England in the triple league.* And it is obvious that its influence on the tone and proceedings of the English parliament would not be the less from its particulars being more a matter of conjecture than of certain knowledge.

Parliament. Oct. 19. 1669.

Nearly nine months had been occupied in these secret negotiations, when the parliament met in the autumn of 1669. The first business of the lower house was to expel sir George Carteret, the vice-chamberlain, on the charge of negligence with respect to public accounts. Thanks were then given to his majesty for his late proclamation, putting in execution the laws against nonconformists; and several resolutions were passed, which declared the strict enforcement of such laws to be necessary if the kingdom and the parliament were to be rescued from imminent danger.†

confesses himself to have been particularly anxious that the plans relating to England should be accomplished first; and laments that Arlington and Clifford should have allowed themselves to be swerved from their original determination on that point.—Ibid. 450—453.

* Temple, I. 179, 206, 241. Hallam, II. 246.

† Parl. Hist. IV. 427—431. This was about two years subsequent to the great fire in the capital, when, according to Burnet, "conventicles abounded in all parts of the city. They began," he adds, "to raise churches of boards, till the public allowance should be raised toward building the churches. These they called tabernacles, and fitted them up with pews and galleries as churches.

Another object which engaged the attention of the house, was the impeachment of the earl of Orrery, president of Munster, a person whose removal from office was thought necessary by the more confidential members of the council. The proceedings against this nobleman furnished another precedent in favour of an important parliamentary privilege; and they were, moreover, of such a nature as to increase the suspicions generally entertained with regard to the intentions of the government.*

1669. Impeachment of the earl of Orrery.

But there was a third topic during this brief session, which interested the passions of both houses. It related to the jurisdiction of the house of peers. Skinner, a merchant, complained to the king of injuries which he had suffered from the conduct of the East India company, and Charles advised his making application to the lords. But the company insisted that the case belonged to the courts of law, at least, in the first instance, and the commons joined with them in protesting against the interference of the upper house. The peers, however, were not disposed to recede. Declarations, opposed to each other in the strongest terms, were voted by the rival houses, and the discussion which had produced one adjournment in May, 1668, produced another in December, 1669. Charles now applied himself to extinguish

Dispute respecting the judicial authority of the upper house.

So now an act was proposed, reviving the former act against conventicles, with some new clauses in it. One was very extraordinary,—that if any doubt should arise concerning the meaning of any part of this act, it was to be determined in the sense most contrary to conventicles; it being the intention of the house to repress them in the most effectual manner possible."—I. 471.

* Parl. Hist. IV. 434—440.

CHAP. V. 1669.

the animosity which this controversy had created, and on the next meeting of parliament prevailed with both parties to rescind the whole of the proceedings relating to it. In effect, the object of the commons was attained, for from this time the lords silently abandoned all claim to an original jurisdiction in civil causes.*

Feb. 14. 1670.

It was at the opening of the next session that the king came to the house, attended by his guards in military array, a novelty that was followed by another which attracted equal observation—his frequent attendance in the house of lords during the debates.†

The nonconformists.

But the attention excited by these occurrences was much less than that which referred, at this moment, to the state of religious parties. The circumstances of the nonconformists at this time, and somewhat previously, are thus briefly stated by Baxter: "The ministers of London, who had ventured to keep open meetings in their houses, and preach to great numbers, contrary to the law, were, by the king's favour, connived at, so that the people went openly to hear them, without fear. Some imputed this to the king's own inclination toward liberty of conscience, some to the duke of Buckingham's prevalency, and some to the papists' influence, who were for liberty of conscience for their own interest. Whatever was the secret

* Parl. Hist. IV. 422—426, 431—434. Lingard, XII. 206, 207, 224, 225.

† Ralph observes, this "is the first instance we meet with in history of the sovereign entering upon the exercise of his legislative power, under the awe of the sword." Charles said he found the debates as amusing as a play—but he had a higher object in view than amusement.—Parl. Hist. IV. 441, 447, 448.

cause, it is evident that the great visible cause was the burning of London, and the want of churches for the people to meet in, it being, at the first, a thing too gross to forbid an undone people all public worship with too great rigour; and if they had been so forbidden, poverty had left so little to lose, as would have made them desperately go on. Therefore some thought all this was done to make necessity seem a favour. Whatever was the cause of the connivance, it is certain that the country ministers were so much encouraged by the boldness and liberty of those in London, that they did the like in most parts of England, and crowds of the most religiously inclined people were their hearers."* The writer adds that this activity of the nonconformists, together with the already dissatisfied state of the people, on account of their civil burdens, the decay of trade, the burning of the city, and the general inefficiency of the conformist clergy, greatly impaired the credit of the prelates through the kingdom, both among the rich and the poor.†

* Life, Part III. p. 20, *et seq.*

† "Called at several churches, and it is a wonder to see, and by that to guess the ill temper of the city, that in some churches there were hardly ten people, and those poor people."—Pepys, May 28, 1663. At a later period this diurnalist records, "Mr. Blackburne was very open to me; he makes it great matter of providence, for the king and country to suffer liberty of conscience. He says, that many pious ministers of the word of God, some thousands of them, do now beg their bread; and told me how highly the present clergy carry themselves every where, so that they are hated and laughed at by every body; among other things, for their excommunications, which they send upon the least occasion almost that can be. And I am convinced in my judgment, not only from his discourse, but by my thoughts in general, that the present clergy will never heartily go down with the generality of the commons of England; they have been so used to liberty, and are so acquainted with the pride and debauchery of the present clergy. He did give

CHAP. V.

1670.

A scheme meditated to restore them.

It was while affairs were in this state that a commission was sent to Bridgeman, the lord keeper, and Hales, the chief justice, to prepare a scheme of comprehension, which should either incorporate the dissenters with the established church, or secure them a toleration. Among the nonconformists, Bates, Manton, and Baxter, were consulted; and the proposed plan, which is said to have originated with Wilkins, bishop of Chester, and Dr. Burton, chaplain to the lord keeper, was liberally espoused by Tillotson and Stillingfleet. It was agreed to evade the difficulty of presbyterian ordination. But it was at the same time confessed, that the success of the proposed measure would depend much on the influence of persons, who were anxious to obtain a toleration of the catholic worship. The alterations, however, in the terms of conformity, as contained in this proposal, while they left the fabric of the establishment untouched, were so considerable, that, in the judgment of Baxter, two thirds of the nonconformist ministers would have readily complied with them.*

Suppressed by parliament.

But this project became known before the meeting of parliament; the prelates and their adherents marshalled themselves against it; and the old cry of the church in danger was so successfully raised, that, in the issue, the five-mile act, and the act against conventicles, were not only retained, but provisions were made for their

me many stories of the affronts which the clergy receive in all places of England, from the gentry and ordinary persons of the parish."—Ibid. I. 260.

* Baxter, Part III. 20, *et seq.* Burnet, I. 448, *et seq.* Neal, IV. 381—385. Wilkins owed his elevation to the influence of Buckingham.

being more strictly enforced, and with heavier penalties.*

1670. Controversy respecting nonconformity.

This was the fate of the nonconformists throughout the present reign—flattered with the hope of liberty, and, as the moment of illusion passed, fastened in a stronger thraldom. The controversy on this subject now became more general and violent than ever. The prelates and their supporters sought to justify their own conduct by assailing the character of their opponents; and those opponents were determined to publish their wrongs, by making their real principles better known, and by exposing the treacherous policy which had been so long adopted toward them as a body. The attack was commenced by Samuel Parker, the son of a puritan, and a man who rose from a menial station in Oxford to be bishop of that city. His work was entitled "a Discourse of Ecclesiastical Polity;" the object of which was to demonstrate the emptiness of all pleas for liberty of conscience, and to vindicate the authority of the magistrate, as extended over it, with respect to "all matters of external religion." The substance was, that the nonconformists were to be viewed as

* Parl. Hist. IV. 444 — 450. "How joyfully," says Baxter, "would 1400, at least, of the now conformable ministers of England have yielded to those terms, if they could have got them! But, alas! all this labour was in vain, for the prelates and prelatists so far prevailed, that as soon as ever the parliament met, they prevented all talk or motion of such a thing." Ralph, on witnessing this victory of the prelatists over the crown, has shrewdly remarked, "It is not for naught that the words church and state are so often coupled together, and that the first has so insolently usurped the precedency of the last." Mr. Waller censured this severity as impolitic, and as "a strange requital of the trust which the people had put in their rulers." Parl. Hist. IV. 445. The chief alarmists, on this occasion, appear to have been the friends of the ex-chancellor.—Burnet, I. 450.

CHAP. V. 1670.

the certain adversaries of all social order, while the grand conservator of the state was to be found in the doctrine of passive obedience in its most absolute form.*

This vain man flattered himself that no answer could be given to his disgraceful publication, and Sheldon, the primate, appears to have been of the same judgment. But, beside many lesser assaults, this unfortunate production had to encounter the learning of Dr. Owen, and the wit of Andrew Marvel. The reply to the Ecclesiastical Polity, by the first of these writers, procured him much credit with his brethren, and called forth the most scurrilous language from his opponent. No man, it was said, could do his country better service "than by beating down the interest and reputation of such sons of Belial" as this Dr. Owen,—a viper so swollen with venom, "that it must either burst or spit its poison."† But this wrath was calmness

* "Many books were writ to expose the presbyterians, as men of false notions in religion, which led to antinomianism, and which would soon carry them into a dissolution of morals.—The most virulent of all that writ against the sects was Parker, afterwards made bishop of Oxford, by king James; who was full of satirical vivacity, and was considerably learned, but was a man of no judgment, and as to religion, rather impious."—Burnet, I. 541.

† Owen's work was intitled, "Truth and Innocence Vindicated; in a Survey of a Discourse on Ecclesiastical Polity." 8vo. pp. 410. 1670. In the course of this year, several anonymous pieces appeared in reply to Parker, as, "Toleration Discussed, in Two Dialogues." "Insolence and Impudence triumphant," &c. "Animadversions on a new Book, entitled, Ecclesiastical Polity." "A Free Inquiry into the Causes of that very great Esteem the Nonconformist Ministers are in with their Followers."

Owen put the discourse of his opponent into the shape of a royal decree, and, preposterous as it may sound, it is taken fairly from the author, in its sentiment, and chiefly in its language. It begins thus: "Whereas we have an universal and absolute power over the consciences of all our subjects, in things pertaining to the worship of God; so that if we please we can introduce new duties never yet heard of, in the most important parts of religion, so that in our judgment it doth not countenance vice, or disgrace the Deity:

compared with that which raged in the same quarter, when Marvel published his Rehearsal Transposed, a book, which, by the force of its humour, turned the laugh of the court and of the nation against this polemic and his admirers. From this time these boisterous advocates of passive obedience spoke no more of victory, and, in retiring from the conflict, bore upon them all the marks of a total discomfiture. To conquer, however, in this field, was not to remove the ignorance, or to subdue the prejudice, which had hitherto characterised the measures of parliament in relation to this subject.*

Proceedings of the cabal.

The king's principal advisers at this time were Clifford, Arlington, Buckingham, Ashley (Shaftesbury), and Lauderdale. These persons formed that sort of committee of council, which Clarendon had introduced, for the purpose of obtaining a private agreement with respect to such measures as were to be submitted, chiefly as a matter of form, to the other members of the cabinet. This secret fraternity acquired the name of the Cabal—the word formed by the initials of the parties at present composing it. In these men there was a singular mixture of strength and weakness, superstition and impiety; but in these Charles had learnt to

and whereas this power is naturally inherent in us, not given or granted to us by Jesus Christ, but belonged to us, or our predecessors, before ever he was born; and this being such, that we ourselves, if we would, might exercise the special offices or duties of religion in our own person, especially that of the priesthood, though we are pleased to transfer the exercise of it unto others; and whereas all our prescriptions, impositions, and injunctions, on these things, do immediately affect and bind the conscience of our subjects, because they are ours, whether they be right or wrong, true or false; we do enact and ordain," &c. &c. &c.—P. 113.

* "The author of the Rehearsal Transposed had all the men of wit (or, as the French phrase it, all the *laughers*) on his side."—Burnet, I. 450, 451.

CHAP. V. 1672.

confide, while meditating a war against Holland, and against every thing free and protestant in Europe. It was certain that a struggle with the Provinces, in connexion with France, could not be popular in England; and it was not less evident that the members of the present cabinet were by no means the persons to manage any serious disaffection among the people, or to secure the confidence of the public in any matter of importance. It was true, a liberal supply had been granted by parliament to meet the general expenses of the government. Further arrangements were also made by the king, in the hope of obtaining the sum promised by Louis. But there was still room to fear the greatest difficulties if further supplies were not to be obtained at home, and there was no legal source from which they could be reasonably expected.*

The exchequer closed.

Jan. 2.

To meet this case, it was resolved, first in the cabal, and, ultimately, by the other members of the council, to shut up the exchequer. This step placed about 1,300,000*l.* of public money at the service of the government. But it was a violation of the public confidence equally weak and unprincipled—a declaration, in effect, of national bankruptcy. Its injurious influence, accordingly, far outweighed its supposed advantages. Claimants,

* Burnet, alluding to the recent examination of public accounts, observes: "I was told, that after all the most shameful items that could be put into an account, there was none offered for about 800,000*l.* All flatterers about him (the king) magnified foreign governments, where the princes were absolute, that of France in particular. Many to please him said, it was a very easy thing to shake off the restraints of law, if the king would but set about it." In parliament, "every man's price was known."—I. 467, 535. "We are all venal cowards," said Marvel, "except some few."

indeed, were told that they should receive an interest of six per cent. during twelve months, and be empowered, at the close of that interval, to recall their principal. Many, however, were not in circumstances to afford the loan, which was thus wrested from them; and the failures, distrust, and suffering, which ensued, augured ill for the future credit of the king's advisers.*

Piratical attempt to capture the Dutch fleet.

In character with the faithlessness of this measure was an attempt to capture the Dutch fleet in its way from the Levant. The triple league which bound the two powers was still unbroken, and the enterprise accordingly was nothing less than an act of the basest piracy. But it so far failed, partly through the selfishness of the English admiral, sir Robert Holmes, and partly through the skill and bravery of Van Nesse, his opponent, that its chief result was to warn the nations of Europe against confiding in the oaths of his Britannic majesty, or in those of his present cabinet.† March.

This exhibition of weakness and perfidy would not lessen the number of the disaffected at home. We have observed that it had become the policy of the court secretly to encourage the severities that were adopted with reference to the nonconformists by parliament. The strictness of the terms of conformity, it was hoped, would so augment the number of dissenters, and the sufferings of that body, as not only to compel them to take shelter under the prerogative, but to subdue their repugnance to a toleration of the catholics. This, it

* Burnet, I. 532, 533. This measure originated with Clifford, not with Shaftesbury. Life of William Lord Russell, I. 48. Evelyn's Dairy, II. 360, 361.

† Burnet, I. 534. Sheffield's Works, II. 10. Evelyn, III. 359, 360.

CHAP. V. 1672.

was thought, would be the certain effect of the wrongs inflicted on the protestant nonconformists by their protestant masters. Hence Charles could make fair speeches to this body one day, and the next be a party to the passing of oppressive laws against them. It is plain also, that his advisers sought the same end, and by the same means. But the time had now arrived in which the cabal became impatient to attempt the accomplishment of its plans.*

Declaration of indulgence. March 15.

Charles, with the sanction of Louis, published his long meditated declaration of indulgence. It suspended all the penal laws in force against nonconformists, and granted them the free use of places for worship. It conferred the same liberty

* "The rigorous church of England men were let loose and encouraged under-hand to persecute, that the nonconformists might be more sensible of the ease they should have when the catholics prevailed."—Life of James, I. 443. "Spies and informers multiplied; the ministers found it necessary to abscond; houses were entered by force, and searched without ceremony; and the inmates were dragged to prison, and compelled to pay fines. When the nonconformists reminded the king of his promise of indulgence, he acknowledged the hardship of their case, and checked the vigilance of the officers; when the magistrates remonstrated, that these religious meetings were hot-beds of sedition, he asked, why then did they not execute the law? and to the clergy, who complained of the prevalence of sectarianism, he sarcastically replied, that it would never have been the case, had they paid less attention to their dues, and more to their duties."—Lingard, XII. 208, 209. See also Burnet, I. 470—472. These severities were not sufficient to deter the quakers from assembling. When expelled their places of worship, they met in the street. Two of their preachers, Penn and Mead, were indicted on a charge of riot. The jurors, after being locked up thirty-six hours, returned a verdict of acquittal, and the recorder punished their integrity by a fine of forty marks a piece, and a sentence of imprisonment!—State Trials, VI. 951, *et seq.* Sewell, II. 529, *et seq.* Neal, IV. 386, *et seq.* The despotism and brutality of the court, during this trial, are truly frightful—presenting the strongest contrast to the calm intelligence and dignified patriotism which marked the conduct of the persons accused. They were remanded to Newgate, because they had remained covered in the court; the jurors pleaded their habeas corpus, and in the common pleas their commitment was declared illegal.

on catholics, excepting that their religious exercises were to be confined to private houses. There were two considerations, however, which rendered this boon of doubtful value. It owed its existence to a stretch of the prerogative, or a dispensing power, which supplied a dangerous precedent; and it was scarcely a secret, that the benefit was meant to accrue to the catholic more than to any class of protestants. It will hardly be denied, that the nonconformists, in accepting of liberty through such a channel, were acting in opposition to their long-recognised principles. But the conduct of their high church opponents, in abandoning the dogma of passive obedience the moment it came thus in the way of their intolerance, was a change not less striking, and much more disreputable. This unnatural position of these rival parties could not be of long continuance.*

State of the continental war.

Soon after the publishing of this declaration in England, Louis entered the Netherlands at the head of a hundred and twenty thousand men; and the English navy, under command of the duke of York, was united with that of France, and directing its strength against the maritime power of the Provinces. For a time, the subjection of the Hollanders seemed inevitable; for who could expect that their single hand would be sufficient to

* Burnet, I. 535—537. See the Declaration in Neal, IV. 407—409. Burnet states, on the authority of Stillingfleet, that the court offered 50*l.* a year to many of the presbyterian ministers, to some 100*l.* as a means of purchasing their acquiescence, and that by most of them it was accepted. But Dr. Owen, who prepared the address, and presented it on this occasion, denies the charge, in his answer to Stillingfleet, in the strongest terms, calling it "a frontless, malicious lie."—Neal, IV. 410. Orme's Life of Owen, pp. 356—358.

CHAP. V. 1672.

baffle the three great powers of Europe? But their patriotism taught them to check the progress of the French monarch, by laying a portion of their country under water. The delays occasioned by this determined movement, dispirited the enemy; and when the enterprising valour of the young prince of Orange effected a union between his forces and those of his allies in Germany, the French found themselves compelled to relinquish their conquests, and with a rapidity equal to that with which they had been acquired. William, our own glorious deliverer, was in the twenty-second year of his age at this time, and such were his achievements, while opposed to the collected strength of the greatest power in Christendom, led on by the most experienced generals of the age.

Parliament.

Charles had issued his declaration of war in March, and parliament was expected to assemble in the following October. Such, however, was the discontent which this measure, and others connected with it, had produced, that it was considered prudent to defer the meeting of the two houses until the February of the next year—nearly two years from their last sitting. When assembled, Shaftesbury addressed them in behalf of the government, insisting particularly that there was a necessity for the declaration of war against Holland, for shutting up the exchequer, and for granting indulgence to protestant dissenters. He urged, in conclusion, that a liberal supply should be voted, that being the only means by which the king could hope to obtain an honourable and advantageous peace.

1673. Feb. 4.

The first object of the commons was to annul

certain elections to vacancies in their house, which had taken place during the recess. Writs had been issued for this purpose by Shaftesbury, now lord chancellor, who in this manner had contrived to increase the number of his supporters. But the enemies of that minister affirmed, that all such writs should proceed from the speaker of the house, and the king was induced to yield to the popular claim. Shaftesbury was alarmed on witnessing this want of firmness in his sovereign, and resolved not to commit himself in the royal service as he had been hitherto disposed to do.*

Feb. 6.

But a matter of still deeper interest with the parliament at the present juncture, was the declaration of indulgence. This was censured generally and vehemently. But a distinction was now made between the catholic and the protestant nonconformists, which this assembly, from the first year of its meeting, had sternly refused to admit. A large proportion of the members professed that they had no wish to deprive the dissenters of the freedom which that indulgence had conferred upon them, but they objected most solemnly to its being granted by an exercise of the prerogative. The king might prevent the enforcement of a particular statute in favour of particular persons, but it was declared, on a division of one hundred and sixty-eight against one hundred and sixteen, that the statutes themselves could not be suspended, except by an act of parliament. Charles expressed his regret that the house should have

Majority of the commons opposed to the king's declaration. Feb. 8.

* Parl. Hist. IV. 501—512. This question had been decided in favour of the people in 1604. See Vol. I. 119, 120.

CHAP. V. 1673.

questioned a right, which former practice had so long sanctioned, as belonging to the crown. But the commons replied in still stronger language, that the constitution knew nothing of any legislative power in the king, except as associated with the two houses. The monarch next sought the protection of the lords, a majority of whom would probably have supported him. But with his usual vacillation, when pressed with difficulty, he at length consented to withdraw the obnoxious declaration.*

It is recalled.

This contest was watched with the utmost solicitude by the people, who, on learning its result, testified their delight by bonfires, and other expressions of rejoicing. The nonconformists, too, were so far suspicious with respect to the designs of the court, as to refuse the least aid to the court while thus occupied in defending a measure said to have been designed chiefly for their benefit. Even those among them who had availed themselves of the indulgence, not only consented to sacrifice their personal interest for the general good, but joined in the popular cry, which demanded additional securities for the reformed faith. The impression of the people, with respect to the policy of the government, was, that its great object was to promote a return of popery and arbitrary power. This opinion was denounced by the court as unfounded and malicious, but has since proved to have been correct. The whole aspect of the war with Holland; the character of the officers entrusted with the command of the forces raised for that object; the known prepossessions of several

* Parl. Hist. IV. 515—534, 542—551.

members of the cabinet; and the authority committed to the duke of York, as lord admiral, while known to be a catholic,—all these were circumstances which gave rise to just apprehension. CHAP. V. 1673.

To provide against these evils, it was urged by the commons that the king should exclude all persons from places of trust, in civil or military affairs, who should refuse the oaths of allegiance and supremacy, or decline to partake of the sacrament of the Lord's supper after the manner of the church of England. To these precautions it was also resolved to attach a declaration against transubstantiation. In this state, after some partial opposition, the bill, sufficiently known in later times by the name of the Test Act, passed both houses without a division.* The test act.

Charles was aware that this measure, unacceptable as it might be to him, was a necessary preliminary to obtaining supplies of money. Not a few who supported it were influenced by the hope of filling some of the vacant offices which it would occasion. The dissenters, and the most zealous churchmen, were alike its advocates, partly from an abhorrence of popery, and partly from their mutual fears, though of a different complexion, as to the tendency of this assumed power of the crown.

But if the nonconformists had often allowed themselves to be deceived by the court, they were now to be duped by its opponents, and in a manner the most ungenerous. The exclusion bill was so framed, from some mysterious cause, as to incapacitate the dissenter as well as the catholic. Along Fate of the dissenters' relief bill. Feb 8.

* Parl. Hist. IV. *553—556.*

CHAP. V. 1673.

with it, indeed, there was another, introduced by the friends of the nonconformists, or by men who pretended to be such, which was to relieve this class of sufferers from the disabilities imposed on them by the general test. But while the bill which deprived the nonconformists of liberty passed without loss of time, that which promised to restore it was impeded by a number of little difficulties, until the approach of Easter.

The season then called for an adjournment of the houses; that adjournment was followed by a prorogation—an act which annulled all that had been done with respect to the dissenters' relief bill; and from this time its friends appear to have deemed it useless to urge the renewed consideration of that question on the attention of parliament. Thus, from 1673 to 1828, the protestant nonconformists of this kingdom were proscribed by the constitution as a people who were not to be trusted with any office that might afford them an opportunity of betraying the least interest of their country. This stigma was as generously incurred by the one party, as it was treacherously inflicted by the other. It is now happily removed.

The silence of the commons during this important session, with respect to the French alliance, the war with Holland, and the closing of the exchequer, warrants the suspicion, that there was a secret understanding between the cabal ministers and the leaders of the opposite parties, which obliged the former to sacrifice the catholics as the only means of saving themselves. And with regard to the nonconformists, though the bill for their

relief passed the lower house, there is too much reason to suppose that a few only of those who were parties to the introduction of it were really desirous of seeing it become a law. Its liberal principle was precisely that which the men who now professed to be its supporters had always denounced. We may ask, why was the sacramental test urged at all, while, as far as the catholics were concerned, the demand on the point of transubstantiation afforded ample security? This provision could only have been of use as the means of excluding nonconformists; and this, in fact, is the only use that has ever been made of it. And why, above all, was the pledge given by these champions of pure religion, to their confiding brethren, so devoutly forgotten in all their future meetings? Was it indeed meant that these troublesome religionists should receive the kiss of peace and this deadly thrust at the same time?*

* See Neal, IV. 417—423. Coke's Detection, *ubi supra.*

CHAP. VI.

FROM THE PASSING OF THE TEST ACT, TO THE CLOSE OF THE CABAL ADMINISTRATION.

CHANGES PRODUCED BY THE TEST ACT.—STATE OF FOREIGN AFFAIRS.—PARLIAMENT—ITS PROCEEDINGS—IS PROROGUED.—FALL OF SHAFTESBURY.—MARRIAGE OF THE DUKE OF YORK.—PARLIAMENT—ITS COMPLAINTS.—PROCEEDINGS AGAINST MINISTERS.—THE KING'S DIFFICULTIES—CONCLUDES A PEACE WITH HOLLAND.—PROJECTS WITH REOARD TO THE SUCCESSION.—THE DUKE OF MONMOUTH.—THE PRINCE OF ORANOE.—PROPOSAL OF A MARRIAGE BETWEEN THE PRINCE AND THE PRINCESS MARY.—COMPARATIVE DELINQUENCY OF THE CABAL MINISTERS.

CHAP. VI.

1673. Changes produced by the Test Act.

THE end designed by the new Test Act was accomplished. As far as it respected the nonconformists, its operation was most injurious, and reflected much dishonour on its authors. But it broke up the schemes of the cabal, and did much toward saving the protestant interest. The religious creed of the duke of York was still so far a matter of surmise, as to leave the course he would adopt, in some degree, uncertain. But all doubtful appearances were now at an end. The brother of the sovereign retired from his office as lord admiral. Clifford, the oldest and most dangerous member of the cabinet, resigned his staff as lord treasurer; and Arlington, who aspired to that dignity, saw it conferred, after a few months, on his rival, sir Thomas Osborne, a

March 30.

June 19.

man whose religious and political preferences were considerably different from his own, and who is now better known by his subsequent title, as the earl of Danby.*

State of Foreign Affairs.

While these changes were taking place in England, the prince of Orange was presenting a vigorous and successful resistance to the French arms on the continent. The fleet employed against the Hollanders, under command of prince Rupert, amounted to nearly a hundred sail, but, from various causes, the summer passed without its performing any of the great services naturally expected from so powerful an armament. The States now rejected terms they would once have accepted; and what was more remarkable, those republican provinces, after being supported by England and France in their struggle for independence, during the last hundred years, and assailed through the same space by Austria and Spain, now found these several powers in directly opposite positions, the encroachments of the former having changed the latter from opponents to allies.

Parliament. October 20.

But if the demands of the Dutch were somewhat raised by reason of this altered policy on the part of their old antagonists, their courage was still more invigorated by the knowledge which they possessed with respect to the state of parties in the English parliament. All the powers engaged in this struggle looked with deep interest toward the

* Evelyn, II. 380, *et seq.* Life of James, I. 482, *et seq.* Burnet describes the session which led to these changes as "the best of that long parliament. The church party," he adds, "showed a noble zeal for their religion, and the dissenters got great reputation by their silent deportment." —Own Times, *ubi supra.* Marvel's Works, I. 458.

CHAP. VI. 1673.

proceedings of that body; and the causes which rendered its expected meeting an occasion of hope or apprehension on the continent, produced the same impression on the court and the country parties in this kingdom.

It was at this juncture that a treaty of marriage was known to be in progress between the duke of York and a catholic princess of the house of Modena—a family in intimate alliance with France. The religion, and the political connexions, of the youthful Maria d'Este, rendered the proposed union peculiarly unacceptable to the nation. Charles, who was sufficiently aware of this feeling, would have avoided meeting the two houses until its force should have been, in some measure, subdued. From this course he was diverted by Shaftesbury. That minister knew the extent to which he had exposed himself by his official conduct, and was sensible that it would be vain to rely on the king's firmness, in case of any more direct and determined assault from his enemies. For these reasons he had been secretly making his peace with the leaders in opposition; and he was now prepared to confirm himself in their favour, by sacrificing that of the monarch, should such an alternative become necessary.

Its proceedings.

The first business of the lower house was to remonstrate against the intended marriage. The king replied, that the marriage had been already celebrated by proxy, and expressed surprise that any complaint should be made on that subject, especially as, during the last session, the expected union of the duke with another catholic

princess had passed without observation. The main reason of this difference was, that the former princess was of the house of Austria, and not in alliance with France, and from the latter power England had most to apprehend, both with respect to her liberties and religion. The question, whether a further address should be presented on this question, was carried by one hundred and eighty-four against eighty-eight. An attempt was made to obtain a test, which should exclude all catholics from parliament, from the upper house as well as from the lower. It was also resolved, after a lengthened debate, that no additional supply should be granted, unless the obstinacy of the States should render it necessary, "nor until the kingdom should be effectually secured from the dangers of popery, and popish councils and councillors, and the other present grievances should be redressed." The commons observed, in their second address, relating to the duke's marriage, that the tendency of such marriages, as ascertained by "sad experience," was to afford a plea for harbouring priests and jesuits, and to increase the number of their adherents; and as marriages, celebrated by proxy only, had been frequently dissolved, it was urged that the projected union should not be consummated. Charles promised to consider the subject, and to return a speedy answer. He failed in the latter particular, and, probably, not less so in the former.

CHAP. VI. 1673.

On the next day, the house voted the standing army a grievance, and on the day following the king appeared to prorogue the parliament. Some

It is prorogued. Nov. 3.

CHAP. VI. 1673.

members closed the door of the commons against the usher of the black rod, some with loud voices called on the speaker to take the chair. Others shouted, "the black rod is at the door." But in the midst of this tumult, it was moved that the alliance with France is a grievance; that the evil councillors about the king are a grievance; and that the duke of Lauderdale is a grievance! Here the knocking at the door became more violent; the speaker forced his way from the chair; and the house rose in confusion.* Nov. 4.

Fall of Shaftesbury. Nov. 9.

If Shaftesbury had hoped to retain his office while neglecting the instructions of his sovereign, he was now undeceived. The great seal was immediately demanded of him, and was given to sir Hineage Finch as lord keeper.

Marriage of the Duke of York. Nov. 26.

The duke, in defiance of the parliament and of the nation, became the husband of the Italian princess; and about three weeks subsequent to the prorogation, the new duchess was conducted by the heir apparent to her residence at St. James's.

Parliament. Jan. 7. 1674.

The two houses were prorogued to the seventh of January. On that day, the king addressed them, and in a manner which bespoke none of those apprehensions with respect to the state of public feeling which had been betrayed by other parts of his conduct. The duchess of York was restricted to the private exercise of her religion, the laws against popish recusants were put into stricter execution, and all catholics were prohibited from approaching the royal presence, or appearing in the parks. Beyond this, the parliament

* Parl. Hist. IV. 585—610. Ralph, *ubi supra.* Burnet.

was assured, by the lord keeper, that the king was sincerely attached to the constitution and the doctrines of the established church.

But neither the fears of some, nor the resentments of others, were to be thus allayed. The commons petitioned the king to appoint a day in which all his faithful subjects might, by fasting and prayer, implore the preservation "of the church and state, against the undermining practices of papists." They prayed also that the militia, both in the city and the country, might be in a state of readiness to suppress the threatened disorders; that the names of all catholic householders within five miles of London should be enrolled; and that no catholic, not a householder, should be allowed to approach within ten miles of the capital during the sitting of parliament. The duke began to regard these proceedings as menacing his succession.

Its complaints.

The attention of the dissatisfied was next directed towards the recent conduct of the king's advisers. Their matters of complaint were numerous. The French alliance, the renewal of the war with Holland, the shutting up of the exchequer, the declaration of indulgence, the marriage of the heir apparent, and the raising of an army, together with placing a foreigner at its head, and fixing its quarters so near to Westminster as to awe the deliberations of parliament—all these were dwelt upon as evils, and the evil councillors, who had presumed to advise them, were denounced as having forfeited the confidence, and deserved the censure, of the country.*

* Parl. Hist. IV. 611—625. Evelyn, III. 440.

CHAP. VI.

1674. Proceedings against ministers. Jan. 13.

The first delinquent named was the duke of Lauderdale. An address was presented, which charged him with uttering and abetting arbitrary councils, and with raising an army for the purpose of supporting such councils.* The resolution of the house implored his removal from office, and from the king's presence for ever. Buckingham was next assailed, and strove, by various artifices, to disarm the resentment of his judges. But his unprincipled ingenuity did not greatly avail him. The prayer of the house was, that he should no longer retain any employment under the crown. Arlington, who had been sometime in a state of alarm, on account of the enemies whom he knew to be leagued against him, was charged with many acts of high misdemeanour, and with the crime of treason. He was said to have been unfaithful to his trust, as a privy councillor, as the guardian of the public treasure, and as a sworn defender of the protestant religion. But it soon appeared that the majority of the articles produced by his prosecutors were not sufficiently sustained, and all that could be procured against the man who had been expected to fall under a heavier penalty than his colleagues, was the appointment of a

Feb. 7. committee to make further inquiry. The result of the investigation which followed, was never submitted to parliament; and we may conclude, from this fact, that whatever moral certainty there may have been as to the guilt of this

* The journals describe him as saying, "Your majesty's edicts ought to be obeyed; for your majesty's edicts are equal with the laws, and ought to be observed in the first place."—Parl. Hist. IV. 625—628.

offender, there was a deficiency with respect to legal proof. *

1674.

These judicial proceedings, on the part of the commons, occasioned some jealousy among the lords; and an order was agreed to by that body, which declared, that in future no peer should answer in person, or in any other form, before the lower house. This, it will be remembered, had been done by Arlington and Buckingham. The penalty to be incurred by any peer who should follow their example in this respect, was to be committed to the Tower, or put under restraint, until satisfaction should be made for the injury done to his order. †

Order of the upperhouse.

But this event was deemed of small importance, when compared with the termination of the Dutch war, which was now accomplished. Many occurrences had served to make Charles, in some measure, aware of the uncertainty attached to those schemes which his connexion with Louis had led him to indulge. It must have been clear from the beginning, that they were hardly to be realized, except by a foreign force capable of subduing the spirit of the nation; and every step taken toward obtaining the command of such a

The king's difficulties.

* Parl. Hist. IV. 628—657. Burnet, *ubi supra*, and Ralph, who, referring to Arlington, observes, "No greater mistake can be made by the prosecutors of a bad minister, than to charge him with any one article which they cannot support with undeniable proofs. If he has it in his power to loosen any one link of the chain, he infallibly makes his escape, and instead of being punished himself, renders odious his accusers." This judicious remark will apply to all matters of accusation and controversy, as much as to the prosecution of a bad minister. It is the old artifice of exhibiting the weak points as a sample of the strong.

† Lords' Journals, XII. 606, *et seq.*

CHAP. VI. 1674.

force, seemed to render the folly of the whole enterprise more manifest. The commons and the people had long reiterated their complaints against the war; and while the former were refusing to entertain the question of supplies, Louis betrayed some reluctance in parting with his money, so as to meet the exigencies which arose from this course of affairs. The king accordingly concluded a separate peace with Holland. The French monarch complained; but the measure was popular in England; and Charles, with his lingering fondness for Bourbon politics, hinted to his good brother, that though their public alliance was no more, he should still have opportunities of showing his regard to the interests of France. This intimation was no doubt sincere. The English troops serving under Louis, amounting, it is said, to ten thousand men, were allowed to remain at his disposal, and a promise made to the Dutch, that they should not be recruited, was less respected than it should have been.*

He concludes a separate peace with Holland. Jan. 7.

Projects with regard to the succession.

The return of peace afforded the several factions a space in which to direct their attention to domestic affairs. In this department, the question which absorbed almost every other, was the succession to the throne. The queen continued childless, and all hope from that quarter was nearly extinct. At the same time, the men who had procured the fall of Clarendon, had calculated on the lasting enmity of his son-in-law, the heir apparent; and to this party, as opposed to the

* Temple's Works, II. 247—250. Dalrymple, II. 96. Burnet, II. 39—41. Lingard, XII. 293, 294.

pretensions of the duke of York, a more formidable one was now added, consisting of those who were animated by an irreconcilable opposition to the new creed of that prince. The king indeed had many children, several of whom were soon raised to the peerage, or married into noble families. Some of these were by lady Castlemain; others by two favourite actresses, known through the metropolis and the nation by the names of Moll Davis and Nel Gwyn. The first was skilled in dancing; the second owed her influence over the king to her appearance on the stage, dressed as a boy, and to a sprightliness of wit and manner, with which she often succeeded in beguiling his thoughts from unpleasant themes.

But in this progeny there was one only that could be spoken of as a probable successor to his father's dignity. This was the duke of Monmouth, a nobleman as basely born as any of his father's children, but evidently a favourite with the king, much disposed to court popularity, and altogether free from those dangerous and degrading connexions which generally cling to the illegitimate offspring of princes. The duke was the son of Lucy Barlow, alias Walters, one of the king's numerous mistresses on the continent; and it is said to have been proposed by the enemies of the heir apparent, that the king should be prevailed with to acknowledge a private marriage to that female, and that witnesses should be procured to attest it. Charles is described as rejecting this proposal with indignation.

The next step in these intrigues, was to suggest

CHAP. VI. 1674.

the propriety of a divorce between the royal personages, on the plea of barrenness. But hitherto, parties obtaining a divorce had not been allowed to marry again during the life-time of each other. An opposite decision, indeed, was obtained from the upper house, on the preparatory case of lord Roos; but it was by a majority of two voices only; and partly from this cause, but still more from the idle wavering temper of the monarch, this scheme was abandoned as well as the former.

The first duchess of York died in the spring of 1671. The Duke's marriage with Maria d'Este, took place in the winter of 1673, and was an event that could not lessen the objections previously felt, with respect to his ascending the throne of a protestant nation. The test which had recently excluded him from the office of lord high admiral, was followed by several attempts in favour of another, the intention of which was his exclusion from parliament, and from the royal presence. It was even moved, that a prince of the blood, marrying a catholic, should be declared to have forfeited his right of succession. James managed to prevent the adoption of the former measure, by protracting the debates upon it; and the latter, he had the gratification of seeing rejected by a large majority. Still his difficulties were felt to be daily increasing. He earnestly recommended a dissolution of the parliament, but Charles shrunk from the experiment. He consented, however, to defer the meeting of the houses for several months, on condition of obtaining a supply of money from the French monarch, that might enable him to do

so, and Louis was induced to transmit the sum of 500,000 crowns, as the price of another year's neutrality on the part of England.*

The duke of Monmouth.

During the recess which was obtained by this means, all parties were anticipating a struggle, the exact shape of which could not be foreseen. The duke of Monmouth made a fruitless attempt to put aside the reproach of his birth. He also failed in an effort to procure command of the army in Scotland, in consequence of urging that the commission should be drawn up for life, and without any reference to his illegitimacy. But the appointment of commander-in-chief, with regard to England, was conferred upon him—an office which had been abolished on the death of general Monk, as being too responsible to be placed in the hands of a subject.†

The Prince of Orange.

But there was another competitor, toward whom the eyes of many were at this time directed—William, prince of Orange, who, in failure of the duke of York's children, was next in succession. The courage and capacity which that prince had discovered, while opposed to the powerful invader of his country, had extorted the praise of his enemies, and had become a favourite theme with every friend of liberty. Before the conclusion of the late peace, several of the country party had made him a secret proffer of their services, pledging themselves to employ every possible means with a view to dissolve the alliance then subsisting between this

* Life of James, I. 489. Dalrymple, II. App. 98, 99. Parl. Hist. IV. *ubi supra.*

† Life of James, I. 496, 497.

CHAP. VI. 1674.

kingdom and France. In the course of the year following, Charles became, in part, aware of these intrigues, and Shaftesbury, being the most dangerous person engaged in them, found himself exposed to peculiar suspicion and resentment. To check his machinations in the city, the king obliged him to take up his residence in the country.*

Proposal of a marriage between the prince and the princess Mary.

At this moment Arlington was nearly supplanted by the earl of Danby. It was with the hope of regaining his influence in the cabinet, that the former of these ministers suggested the policy of a marriage between the prince of Orange, and Mary, the eldest daughter of the duke of York. Mary was presumptive heir to the throne; the prince was a protestant; and the procuring of such a match was regarded, by the declining servant of the crown, as the best expedient of saving his sinking credit, inasmuch as it promised to allay the present fears and discontents of the people, and by that means, to place the monarch in those easy circumstances which he so much valued. Charles fully approved the proposal, though James urged every possible reason against it. An indirect mission on this subject was entrusted to the management of Arlington, and the earl of Ossory; but it proved a failure. The enemies of the anxious minister contrived to assure the prince that the whole was a mere device, to strip the foe of popery and tyranny of the reputation which he had so nobly acquired; and William had seen so much of

* Burnet, II. 56. Temple, II. *ubi supra.* Kennet, 300. Macpherson, I. 73.

the duplicity of English councils, as to be considerably influenced by these insinuations.*

The failure of this errand appears to have completed the fall of Arlington. Clifford died soon after his retirement from office, and both Shaftesbury and Buckingham were now numbered among the advocates of the people. Thus, Lauderdale was the only member of the cabal retaining, from this time, a connexion with the councils of the sovereign, and his influence was necessarily limited by his residence in Scotland.

Comparative delinquency of the cabinet ministers.

With respect to the cabal ministers, it may be proper to remark again in this place, that the worst parts of the secret negotiation between Charles and Louis, were never disclosed to Shaftesbury, Buckingham, or Lauderdale, who, as far as they were any thing, were protestants, but exclusively to the two catholic members, Arlington and Clifford. Hume speaks of all these persons as being equally engaged in the unpatriotic schemes of the royal brothers; and when the inaccuracy of this representation was placed beyond doubt, by the publication of sir John Dalrymple's papers, the historian, with his usual repugnance to altering what he had written, except on one side, refused to profit, as he should have done, by the correction. Where the real delinquencies of public men are so great, as in the case of the least criminal members of this confederacy, there is a want of humane feeling in making imaginary additions to them.

* Burnet, II. 60, 62. Temple, II. 287, *et seq.* Life of James, I. 500—502.

CHAP. VI. 1674.

The offence of Shaftesbury, Buckingham, and Lauderdale, consisted mainly in their being privy to the king's obtaining money from France, for the purpose of prosecuting a war, which the people of England were determined not to support, and the tendencies of which they must themselves have regarded as dangerous to the interests of general freedom.

CHAP. VII.

FROM THE CLOSE OF THE CABAL ADMINISTRATION TO THE DISSOLUTION OF THE "PENSIONARY" PARLIAMENT.

STATE OF THE COUNTRY PARTY. — NEW POLICY OF THE MINISTER. — INCREASE OF BRIBERY. — NON-RESISTING TEST. — DISPUTE BETWEEN THE TWO HOUSES. — PARLIAMENT PROROGUED. — EMBARRASSMENTS OF THE CROWN. — ANOTHER PROROGATION. — SECRET TREATY BETWEEN CHARLES AND LOUIS. — ARBITRARY CONDUCT OF THE GOVERNMENT. — PARLIAMENT. — FOREIGN AFFAIRS. — INSINCERE CONDUCT OF THE KING. — MARRIAGE CONCLUDED BETWEEN THE PRINCE OF ORANGE AND THE PRINCESS MARY. — INTRIGUES OF LOUIS EXTENDED TO THE COUNTRY PARTY. — PROCEEDINGS AGAINST DANBY. — DISSOLUTION OF PARLIAMENT. — ECCLESIASTICAL AFFAIRS. — LAWS IN FORCE AGAINST THE NONCONFORMISTS — THEIR INCREASED SUFFERINGS. — THE POPISH PLOT. — COLEMAN'S LETTERS.

CHAP. VII.

1674. State of the country party.

While Clarendon and Southampton were in the cabinet, the nation, though not without its jealousies as to the designs of papists, was comparatively tranquil on that subject. But the measures of the cabal served to create a stronger spirit of distrust and resistance, not only in the parliament but in many other quarters, and led to the formation of a powerful party, which having put an end to one combination of evil counsellors, gathered confidence from success, and was found capable of checking the encroachments of arbitrary power, when the responsibilities of office had passed into other hands.

A new parliament was summoned, and the court, by its policy or its bribes, was understood to have

CHAP. VII. 1674.

secured a majority. But the supposed minority was known to be formidable, from the talents of many, and the character of others, among its leaders; and still more from the fact of its expressing the sentiments and the fears of the most active, if not the most numerous, body of the people. In the lords, Buckingham, and Shaftesbury, now chiefs in opposition, were vigorously supported by the earl of Salisbury, and lord Wharton, and even by Arlington, who, to gratify his spleen against Danby, strove to counteract the policy which he had once laboured to sustain. Among those who distinguished themselves on the same side in the commons, were sir William Coventry, lord Russell, lord Cavendish, colonel Birch, Mr. Powle, Mr. Littleton, and Mr. Vaughan, beside Lee, Garroway, Sacheverel, and Meres. Coventry was judicious, honest, and conciliating, little influenced by ambition, and, considering the age, singularly disinterested. There was a grave deliberateness in his manner, which, connected with his intimate knowledge of business, contributed much to his authority among his colleagues. Of lord Russell, Burnett thus speaks:—"He was a man of great candour, and of a general reputation, universally beloved and trusted, of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man have so entire a credit in the nation as he had. He quickly got out of some of the disorders into which the court had drawn him, and ever after that, his life was unblemished in all respects. He

had, from his first education, an inclination to favour the nonconformists, and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse; but he had a true judgment when he considered things at his own leisure; his understanding was not defective, but his virtues were so eminent, that they would have more than balanced real defects, if any had been found in the other." Cavendish was a man of more readiness, and more accomplished, of a warmer temperament, and equally the advocate of freedom. Littleton possessed much historical knowledge, especially as connected with the business of parliament, and knowing how to employ his information on points of that nature, frequently rendered important services. Powle was distinguished by the same kind of talent. Birch was the most straight-forward and fearless speaker in the house. When a certain courtier member reproached him with having once followed the trade of a carrier, the plebeian senator immediately retorted, that had his opponent ever followed so humble a calling, it was beyond doubt that he would never have followed any thing better. The other members named were old disputants, well acquainted with forms, and rarely at a loss for expedients to embarrass or delay a measure which they were concerned to frustrate.

It was no insignificant party, therefore, which the earl of Danby saw arrayed against the court, and with special force against himself. In a little more than three years, they had compelled the

CHAP. VII. 1674.

government to abandon the alliance with France; had obliged its leading members to resign; had caused the dispersion of those troops which were to have subdued the liberties of England;* had struck a mortal blow at the dispensing power of the crown, by recalling the late declaration of indulgence; and had supplied an important lesson to future ministers, as to their responsibility, and the limits of their power.

New policy of the minister. 1675.

But the minister does not appear to have been dismayed. He resolved to turn the passions of the people to his account;—a practice which had hitherto formed a leading charge against the party opposed to him. For this purpose he procured a proclamation to be issued, which breathed the severest intolerance against papists and dissenters. The king entered fully into this artifice, notwithstanding the urgent remonstrances of his brother. Charles assured the parliament, by means of the lord keeper, that to have pursued any other course would have been to desert the established church, and to become the patron of religious anarchy.†

Increased bribery.

Danby did not rest all his confidence of success on this expedient. The members of the present parliament were so commonly bought and sold, as to have obtained for themselves the reputation of being little else than a convention of "pensioners."

* Dalrymple, App. 32, 33.

† Lord Danby, says Burnet (II. 53), set up to be a patron of the church party and of the old cavaliers—"the church party must have some content given them, and then a test was to be set on foot that should for ever shut out all dissenters, who were an implacable sort of people." James "looked on the whole project as both knavish and foolish."—Ibid. 54. Parl. Hist. IV. 672—678. Life of James, I. 449, 450.

Clifford had resorted to this traffic without shame or fear, and his successor improved on his example; but instead of expending heavy sums upon the leaders, he managed to purchase a larger number of votes at a much lower price, by selecting them from that numerous class of members who had little else to sell, and who rarely troubled the house with any display of their oratory. By this means the minister contrived to evade an impeachment commenced by lord Russell; and a resolution, which prayed the monarch to recall the English troops serving under Louis, was carried only by the casting vote of the speaker, and produced nothing beyond a barren promise that the regiments so employed should not be recruited.*

The non-resisting test.

But the great question of this session was the non-resisting test, which was submitted by the cabinet to the upper house. The object of this measure, was to bind all the parties required to comply with it, to a course of passive obedience, with respect to the will of the sovereign, and of the church. It was, in short, an effort to lay that yoke on all persons holding offices under the crown, and even on the legislature itself, which had been already imposed on corporations, magistrates, officers in the army, and the ministers of religion. There are many things in the history of this reign, illustrating the retributive justice which

* The sum allowed the minister for purchasing votes, it appears, was 12,000*l.*, which Danby raised to 20,000*l.* It was paid by the commissioners of excise.—Report from Comm. of Surrey, May 24, 1679. Coleman indeed asserted that 200,000*l.* had been thus disposed of during this session.—Lingard, XII. 314. Parl. Hist. IV. 693—714.

CHAP. VII. 1675.

generally follows a narrow and selfish policy. So long as the nonconformist clergy were the only parties assailed by weapons of this nature, their followers exhorted them to persist in the course of the confessor. But it is related by Baxter, that when these severities were extended from the ministers to the people, many of the latter began to hold a different language. * And now that house of peers, which had been so forward to impose the bondage meditated by this test, on no small portion of the community, contained many members who saw a thousand evils involved in it when about to be imposed on themselves. It had now become manifest that tests of this description are really no test at all, inasmuch as virtuous men cannot need them, and vicious men will not be controlled by them. It was discovered also that an oath, which pledged the persons taking it in no case to resist the authority of the crown or the mitre, not only vested those authorities with divine right, but virtually "dissettled the whole birth-right of Englishmen."

The lords in opposition allowed the bill to be read a second time, but maintained a debate during five days, and signed two protests, before allowing it to pass to a committee. In its next stage it was treated by its opponents as consisting of two parts, a declaration and an oath. With respect to the declaratory part of the bill, it was contended that it could only serve to foster curious questions, and lead to results very different from those intended by its supporters. For if it be

* Life and Times, II. 435.

unlawful, on any pretence whatsoever, to take arms against the king, it must be natural to ask wherein consists the difference between this doctrine and passive obedience, or between an absolute and a limited monarchy. One sentence in the declaratory section was, "I do abhor that traitorous position of taking arms by the king's authority against his person." This language, it was objected, referred plainly to old troubles, and could only tend to revive old jealousies. Nor was it certain that it would not be found to amount to something too nearly resembling a repeal of the Act of Indemnity. Upon the words following, "or against those commissioned by him," it was observed, that these terms would empower the king to demand illegal taxes at the point of the sword, and leave the subject without remedy. It was here found necessary to add the words, "according to law, in the time of rebellion and war"—a clause with which no man should have been satisfied, the latter part of it so clearly neutralizing what seemed to be promised in the former.

The oath which the bill was framed to extort, was, "I do swear that I will not endeavour the alteration of the government in church or state." This pledge, it was contended, went to annihilate the legislative power of parliament. Once adopted, consistency would require that no improvement in our institutions should be attempted, nor could any concurrence of altered circumstances justify a change in them—if imperfect, they must remain so; and if inapplicable, they must still be continued! It was, moreover, objected, that the intended

CHAP. VII. 1675.

prohibition was not limited to what might be done in parliament, but extended to whatever might be spoken or written elsewhere, with a design to effect an amendment of law; and the ministers did not hesitate, in substance, to acknowledge, that the bill was meant to put down all opposition to the government, both in the senate and the nation, the existence of which might be found inconvenient.

But it was on the part of this engagement which had respect to the church, that the most obstinate discussions took place. Here its authors were continually called upon to define the numerous matters to which it referred, and were involved in new difficulties at every step. Men were required to swear an adherence to episcopal government. But in what, it was demanded, does episcopal government consist? From what source are its powers derived? In what manner, and to what extent, may they be exercised? The prelates answered, that their office was derived from the Saviour of the world,—their liberty to exercise its functions from the civil magistrate. It did not occur to them to ask what the consequence of this doctrine of dependence on the magistrate would be, as applied to their predecessors in office, before the age of Constantine. But it was remarked by lord Wharton, that excommunication is a great instrument of episcopal authority, and he wished to know whether the bishops considered themselves as deriving a liberty from Cæsar to excommunicate Cæsar. The question was, in fact, the same which had been urged with so much art and vehemence against the puritans, through the

whole of their history. The only answer of the prelates was that which the puritans had often given before them, but with which the accusers of that people had always professed to be dissatisfied, viz. that this was to suppose an extreme case, and one which it was probable would never occur. It was inquired also, whether the church of Rome was not episcopal as well as the church of England; and when, to meet this difficulty, the word "protestant" was proposed, it was shown that protestantism was as little susceptible of accurate definition as episcopacy, and much was said to expose the injustice of insisting that men should swear to what they could at best only imperfectly understand. In conclusion, the allegiance demanded was to "the religion now established by law in the church of England."

This memorable debate lasted seventeen days, frequently beginning early and continued until midnight, and was beyond doubt the most obstinate and powerful that had ever taken place in the history of the upper house. But the bill, in its amended form, was passed, and imposed a fine of 500*l.* to be paid by every member, at the meeting of every new parliament, who should persist in refusing the security which it demanded.*

* Ralph, I. 170, *et seq.* Lords' Journal, XII. 665—682. Parl. Hist. IV. 714—721. Burnet, II. 71—74. Marvel speaks of this debate as "the greatest which had perhaps ever been in parliament, wherein," he observes, "those lords that were against this oath, being assured of their own loyalty and merit, stood up now for the English liberties, with the same genius, virtue, and courage, that their noble ancestors had formerly defended the great charter of England; but with so much greater commendation, in that they had here a fairer field, and the more civil way of decision: they fought it out under all the disadvantages imaginable; they were overlaid by

CHAP. VII. 1675.

Charles manifested his solicitude as to the result of this measure, by appearing daily among the auditors of the debate, and by the displeasure which he soon expressed towards some who had presumed to take their place among its opponents. With his majesty's present views, it was not enough that Englishmen should become slaves, but the nation was to be so far degraded as to be employed in imposing its own chains; and this, be it remembered, was in return for the spirit in which the people of England had called Charles the second from the condition of a neglected exile to a forfeited throne. Among the conspiracies which have been visited with the axe and the gibbet, there are few that have been so guilty.

Dispute between the two houses.

But the party defeated in the lords hoped to be victorious in the commons. Ministers, on the other hand, confided much in the assistance of bribes, which, in more than one instance, had already enabled them to command a majority in that assembly. But as the moment approached in which the opposite parties were to have tried their strength, a question arose, that brought on a dispute between the two houses, suspended all other business, and made way for a prorogation. The case consisted in the requisition of the lords, that a member in the commons should answer

numbers; the noise of the house, like the wind, was against them; and if not the sun, the fireside (the king generally stood there) was always in their faces—nor, being so few, could they, as their adversaries, withdraw to refresh themselves in a whole day's engagement; yet never was there a clearer demonstration, how dull a thing is human eloquence, and greatness how little, when the bright truth discovers all things in their proper colours and dimensions, and, shining, shoots its beams through all their fallacies."—Works, I. 516.

before them in an appeal which had been made to their house from one of the courts of law. This, without any great show of reason, or of legal argument, was magnified by the commons into a flagrant breach of privilege, and occasioned such violent proceedings on both sides, that a dissolution of parliament seemed almost inevitable. By the act of prorogation, all that had been done on the momentous question of the non-resisting test was made void.*

Parliament prorogued. June 9.

Embarrassments of the crown. Oct. 13.

The king's necessities shortened the recess. When the houses next assembled, no less than 800,000*l.* were required to put the navy into a state of efficiency, and to pay off sums already taken up in anticipation of the revenue. The opposition was solicitous of obtaining a new administration or a new parliament, and resolved to profit by these embarrassments. All that could be obtained by the court was, that 400,000*l.* should be taken annually from the customs, for the support of the navy, and that the sum of 300,000*l.* should be raised forthwith, and appropriated exclusively to the increase of the fleet. The two houses had not assembled many days, when, by the influence of Shaftesbury, the late dispute between them was revived, and it soon took that course which rendered another prorogation necessary, as the only means of avoiding a dissolution. An interval of fifteen months passed before the next meeting of parliament.†

Another prorogation. Nov. 22.

* Parl. Hist. IV. 721—740.

† Parl. Hist. IV. 740, *et seq.* Ralph, *ubi supra.* Shaftesbury had published a pamphlet during the last recess, giving an account of the debate in

CHAP. VII. 1675.

Secret treaty between Charles and Louis.

On the continent, the war was still undetermined, and the parties engaged in it were alike anxious as to the policy adopted by England. The course preferred by Charles was to pledge his neutrality to Louis, on condition of receiving the sum of 100,000*l.* as an annual pension. This treaty was drawn up and written out by the king himself, Lauderdale, residing in Scotland, being the only minister to whom he could venture to make it known. By this degrading expedient, the king of England obtained, for a while, that ease and indulgence which he had always so much sought, and which he coveted the more as his years increased.*

Notwithstanding this wretched policy, the commerce of England experienced a considerable revival during this period. Our separation from the war, which had so much disturbed the channels of trade in most other nations, could not well have failed to have this effect. The government, and its partizans, were alive to the use which should be made of this fact; but the popular leaders were not to be deterred, by an accidental good, from prosecuting their attack on a system of evils. Though the press was in the hands of their enemies, and busily employed, they contrived, by means of clubs, and pamphlets, to perpetuate the

the lords, on the non-resisting test; it was entitled, "A Letter from a Person of Quality to a Friend in the Country." The lords ordered it to be burnt by the hangman, as false and seditious, and appointed a committee to discover the author. Shaftesbury is supposed to have procured the prorogation which followed as an act of self-defence. The commons complained particularly this session of being required to pay debts incurred by way of "anticipation," or mortgage on the revenue. They even came to a vote, refusing any supply for that purpose.—Parl. Hist. IV. 757.

* Dalrymple, II. 99, *et seq.*

CHAP. VII.

1675. Arbitrary conduct of the government.

jealousy of the people, relative to the tendency of French ambition, with regard to the liberties and the protestantism of Europe. For the purpose of suppressing this activity, a proclamation was issued to put down the coffee-houses, as places where publications and discourses of the most libellous and seditious description were often elicited. The proprietors of those establishments were deprived of their licences, under a pretence that they were revocable at pleasure. But the effect of this proceeding was to confirm the boldest assertions of the discontented, with respect to the arbitrary designs of the court, and the complaints which it occasioned were so loud and general, that it was considered prudent to abandon the project.*

1677. Parliament. Feb. 15.

More than one statute under Edward the third had declared, that a parliament should be held "once a year, or oftener if need be." On the ground of these enactments, it was contended by the leaders of the country party, that as the last prorogation had extended beyond twelve months, the parliament was virtually dissolved. This argument was made familiar to the ear of the people, and was broached in both houses soon after their meeting. But the triennial bill of 1641, and that which had recently superseded it, merely provided for the return of a parliament in every third year, and was regarded as fatal to this argument. This doctrine not only failed to obtain a majority in the commons, but was so received in the lords, that Buckingham, Shaftesbury, Salisbury, and Wharton, were commanded to retract their opinions, and beg

* Danby's Letters, 315. Ralph, 297. North, 138. Kennet, *ubi supra.*

CHAP VII. 1677.

pardon of the house, and on refusing were committed to the Tower.*

By this bold measure, Danby was freed from the most powerful of his adversaries in the lords. He now set himself to supply the wants of the king, and to win the confidence of the people, while the opposition party in the commons laboured to place every possible impediment in his path. They declaimed against popery and France, and the minister avowed himself the enemy of both; but his opponents questioned his sincerity, and resolved not to prosecute their hostility to either under his guidance.

Bills for the security of the church.

Two bills were now prepared by Danby, in conjunction with the prelates, the purport of which was said to be the security of the established church. The one consisted of several provisions, which were to be acted upon in case of a catholic successor to the throne, and was strongly objected to, as placing the supremacy of the church, in the supposed case, in the hands of the bishops. The other mitigated various of the penalties incurred by catholics, in the hope of securing a more regular enforcement of the laws relating to that body. But the first proposal soon fell to the ground—the second was indignantly rejected.

On the important business of a supply, ministers were more successful. By means of French money, a majority was obtained for this purpose in the commons. The liberal sum, however, which that assembly was induced to vote, was carefully appro-

* Parl. Hist. IV. 813, *et seq.* Shaftesbury's confinement lasted more than twelve months, his companions yielded sooner to the storm; and were liberated before him.

priated to specific objects, and was not suffered to pass through the hands of the lord treasurer. CHAP. VII.

In the spring of 1677, the success of the French arms filled nearly the whole of Europe with alarm; and in this country the call for war against France became louder than ever, both among the people and their leaders. London was the residence of ambassadors from all the belligerent powers, and large sums were supplied by Louis, on the one hand, and by the two branches of the house of Austria, on the other, to purchase their respective partizans in the English parliament. Charles professed himself willing to take part with the Hollanders as soon as he should be possessed of the means, and the patriotic members of the commons professed themselves willing to grant the means as soon as war should be declared, or evidently determined upon. Two adjournments followed in consequence of this mutual distrust, the first from the middle of April to the latter end of May, the second from May to July. In the mean time, Louis, by relieving the king's necessities, obtained a further adjournment until December, and the promise of another, on the same conditions, that should extend to April in the next year. 1677. Foreign affairs.

Before the first adjournment, the commons assured the king, after waiting twelve days for his answer, that the war should not want support, and that they were preparing a bill for an immediate grant of 200,000*l*. Charles replied, that he must have at least treble that amount. This sum the house hesitated to supply, in the absence of so large a portion of its members, and while the conduct of Insincerity of the king.

CHAP. VII. 1677.

the monarch failed to afford the evidence of a sincere concurrence with the object for which it was demanded. During the five weeks recess that followed, nothing was done by the government toward forming alliances, or otherwise aiding the United Provinces. Parliament had described the proposed enterprise in favour of that people as of the first importance to the peace and liberties of Europe, and the king, according to his professions, viewed it in the same light. But it has since become manifest, that Charles encouraged the cry for war simply that he might sell his neutrality to Louis at a higher price—a policy which Hume describes as "one of the most dishonourable and scandalous that ever proceeded from a throne." Had the king entered on this undertaking with promptitude, and the appearance of sincerity, he might have regained the confidence of his subjects; but he trifled with their most sensitive feelings, and justified their strongest suspicions. From this time there was an impassable gulf between the sovereign and the soundest part of the nation.*

May 28.

* Hume, VIII. 27—30. Marvel, I. 297, *et seq.* Parl. Hist. IV. 864—891. Charles professed to consider the advice of the commons on any question of alliances, or peace and war, as a flagrant invasion of his prerogative, and affected to make this the reason of his conduct in dismissing the houses with so much suddenness and displeasure. "The members," says Marvel, "returned to the house, several of them rose up, probably to express their sense of this cavalier treatment, but were overborne by the speaker, who took upon him to play the dictator too, by insisting vehemently, that after the king had required the house to adjourn, there was no more liberty of speech; this being, however, contested, and those who had stood up demanding still to be heard, the speaker had the confidence, without any question put, and of his own motion, to pronounce the house adjourned; and therewithal stepped down on the middle of the floor, leaving the members astonished at so flagrant a violation of their inherent privileges." On the day after the adjournment, the king adopted a novel expedient, by publishing

CHAP. VII.

1677.

It was in the hope of counteracting the discontent produced by such occurrences that Charles consented, in the autumn of this year, to a marriage between the prince of Orange and the eldest daughter of the duke of York. This union, so intimately connected with the destinies of Britain, and, we may add, of Christendom, is attributed to the influence of Danby and sir William Temple. It was the best action in the life of the former minister, and, by confirming the suspicions of France, was to prove the chief occasion of his fall.

Marriage of the princess Mary with the prince of Orange. Oct. 9.

Among the immediate effects of this auspicious alliance, there was one that cannot be too much lamented. From this time the connexion between the prince and the royal brothers was looked upon as rendering the former incapable of entering into any design opposed to the inclinations of the latter. Louis took advantage of this circumstance, and began a system of intrigue with the leaders of the country party, similar to that which was known to have been carried on between the two sovereigns. The intentions of lord Russell and lord Hollis, who were both concerned in this doubtful commerce, were, beyond doubt, disinterested and patriotic: their adherents were not always influenced by the same purity of motive, and many of them were by no means insensible to the value of money. But the French monarch well knew that there

Louis extends his intrigues to the country party. 1678.

his "chiding speech" in the gazette, pointing out the commons, "both to their own and all other nations, as refractory disobedient subjects, who had lost all respect to majesty, care being at the same time taken to suppress even the written copies of the proceedings of the house, that nothing might appear in their justification."—Ralph. These proceedings called forth a long and animated debate on the next meeting of the commons.

CHAP. VII. 1678.

were uses to be made of the men to whom the proffer of a bribe, even in the most covert shape, would be an insult, as well as of those who were not often troubled with scruples on such matters. By his power over Charles, on the one hand, and the influence of honourable promises or occasional donatives, on the other, Louis managed to keep the court and the country much at his disposal; his chief object being to play them off against each other, so as to perpetuate dissension, and by that means to unfit the English government for any powerful interference with the affairs of the continent.*

In the marriage of his niece with the prince of Orange,—by far the most popular measure of his reign,—Charles had presumed to act without consulting his brother of France; and the event appears to have rendered the distrust so often betrayed by that monarch strictly incurable. For a time Louis suppressed his resentment; but when, as the result of a little more dishonourable aid from our deluded sovereign, he had succeeded in obtaining the treaty of Nimeguen, thus securing to himself the main objects of his ambition, the mask was less carefully worn. Much was covertly done to array a party in the commons against his faithless colleague; and some important disclosures were procured through the English ambassador at Paris, for the double purpose of disgracing the king in the eyes of his people, and of bringing about the impeachment and the ruin of Danby.

* Dalrymple, 129—136. Life of Lord Russell, 1. 110—125. Danby's Letters, 50, *et seq.*

1678. Proceedings against Danby.

This minister had all along incurred that degree of unpopularity which was inseparable from the policy of the sovereign. It was while the negotiations between Louis and the States were in progress at Nimeguen, and five days only since the adopting of a resolution in this kingdom to prosecute the war against France, that Charles instructed Danby to address a letter to the French monarch, promising that England should abstain from all part in the contest, on condition of a specified sum being paid to the king. The minister shrunk from the perfidy and danger of the task, but was induced to comply when Charles assured him that the document should receive the royal signature, which was attached to it accordingly.

Montague, the English ambassador at the French court, obtained his price from Louis before engaging to make a disclosure of this nefarious transaction to the commons of England. The effect of this proceeding, it was well known, would not only be the fall of Danby, but an exposure of the English monarch to the strongest suspicions and resentment among nearly all classes of his subjects. The disclosure, however, was made, and it so inflamed the house that the delinquent minister was immediately impeached as a traitor.

The charges preferred against him were, that he had presumed to convey instructions to his majesty's ambassador, without consulting the secretaries of state, or the other members of council, which was said to be an assumption of regal power; that he had attempted the introduction of an arbitrary government, levying and continuing

CHAP. VII. 1678.

an army in support of it, contrary to law; and that to obtain money from France, he had negotiated a peace with that kingdom, which was so far injurious to this country as to have endangered the loyalty of his majesty's subjects. All this was said to have been traitorously done, and that disposition to punish the offending, which the forms of the constitution required to be diverted from the sovereign, broke forth with the utmost violence against the man who was regarded as the chief instrument of his evil policy. But though Danby was a bad minister, it may be doubted whether there was any thing in his conduct that could fairly expose him to impeachment of treason. He contended, and with much truth, that he had always been an enemy to France; and it is beyond doubt that his present difficulties proceeded from the jealousy respecting him which that power had long entertained.*

Dissolution of parliament.

The fate of Danby, however, was not to be decided by the present parliament. The lords could only concur in part with the method of proceeding recommended by the commons, and to prevent a dangerous disagreement between the two houses, and also to gain time with respect to this point and some others, Charles first prorogued and finally dissolved that memorable assembly.† This was after it had sat nearly seventeen years.

1678. Dec. 30. 1679. Jan 24.

* Parl. Hist. IV. 1053—1074. Burnet, Reresby, and Ralph.

† Calamy's Historical Account, I. 81. The commons were so far dissatisfied with the course pursued towards Danby, as to be about to complain "that the lords denied them justice. So there was no hope," says Burnet, "of making up the matter, and upon that the parliament was first prorogued, "and then dissolved." See also Kennett, Rapin, and Temple, *ubi supra.*

During this space it had become almost the opposite of itself. From having placed the most extravagant confidence in the sovereign, it learnt to regard him with a jealousy that had scarcely any limits; and from being one of the most manageable conventions ever known in the later history of this country, it came to be the most refractory. It was high time that something should be done toward breaking up the factions which composed it, and toward destroying that systematic corruption which had long rendered it an object of disgust with all honest men, both at home and abroad. It was nevertheless a bold measure, and one which nothing beside the almost desperate state of the king's affairs would have induced him to adopt.

Ecclesiastical affairs.

Since the passing of the Test Act, the state of those parties who were separated from the established church was, upon the whole, more hopeless than it had been since the return of monarchy. It is true, the nonconformists had their friends in parliament, and through the nation, and the number of these had probably increased. But while the test of 1673 added much to the disabilities and sufferings of the catholics, the failure of the bill in favour of dissenters, which happened at the same time, left every class of separatists exposed to the severity of the many oppressive laws previously enacted against them.

Laws in force against the nonconformists.

One bill had been framed to exclude them from the office of magistrates, and especially from possessing any place in city or borough corporations; and in most places the object intended by this law

CHAP. VII. 1679.

was accomplished. The Act of Uniformity chiefly respected the nonconformist ministers. It was designed to exclude them from the church, and to prohibit them as teachers of youth, and its provisions were rigorously enforced. A third regulation, called "an Act against Conventicles," was intended to prevent the substituting of private for public worship; it was generally acted upon, and often with circumstances of great injury and oppression. Another instrument was prepared to banish all dissenting ministers into obscure villages. Subsequently the law against conventicles was rendered still more inquisitorial and penal; and finally came the Test Act, "to prevent dangers that may happen from popish recusants," the effect of which fell upon the nonconformists with nearly as much force as on the party to which alone it had been understood to have reference. This last act was preceded by a recalling of the king's declaration of indulgence—a measure which restored all former laws on this subject to their full authority. Such was the machinery now put into very general operation to crush the cause of nonconformity; and the adherents of that cause chose to remain in a state which exposed them to every sort of insult, spoliation, and wrong, rather than yield to a course of compliance which, in their case, must have been inseparable from self-reproach, hypocrisy, and impiety.

Increased sufferings of the nonconformists.

Those indulgences which, during this reign, were occasionally conceded to the nonconformists, had resulted, in nearly every instance, from the influence of the catholic party, and, as a natural

consequence, were meant to terminate in favour of that body. But the conduct of the dissenters in aiding the progress of the late Test Act, had deeply offended these new friends to liberty of conscience, and the removal of all such persons from office by means of that enactment, was followed, as we have seen, by a most intolerant coalition between the earl of Danby and the leading churchmen. Since the restoration the government had never derived so much of its complexion from Lambeth, as during the administration of this nobleman. More than one effort was made during his ascendency to produce a nearer union between the church of England and the more moderate nonconformists. The measure was urged as one required by the spirit of the gospel, and as most expedient from its tendency to strengthen the protestant interest, which was exposed to so much danger. On these grounds it was advocated by such churchmen as Tillotson and Stillingfleet, and by laymen of similar reputation. But the temper of such men as the primate, and bishop Morley, was opposed to the least appearance of concession, and their power was sufficient to render these fraternal deliberations without effect.*

In the persecution which followed, the most exemplary nonconformists, such as Baxter, Manton, and Owen, were special objects of attack. From the pulpit the creatures of intolerance poured forth their lessons with little regard to truth or decency. Some of the basest of the people took up the trade of informers, and by a dexterity acquired in the

* Neal, IV. 425—430. Baxter, III. 110—157, *et seq.*

CHAP. VII. 1679.

exercise of their honourable calling, succeeded in bringing the penalty of fines, imprisonment, and frequently total ruin, on an almost incredible multitude of persons. Hence many of these sufferers abandoned their country in hope of breathing a freer air in the United Provinces, or in New England. Dr. Owen was about to cross the Atlantic in search of liberty of conscience, and was only prevented by a special mandate from the king. The authors of these proceedings soon became aware that in adopting them they had not chosen the road to popularity. The informers were a class of persons generally hated, and it was known that magistrates frequently sought excuses to avoid the severities required of them. An alderman of London assured several prelates, that his brethren who had found their fellow-citizens honourable in the dealings of to-day, could never be made willing to imprison them on account of some religious peculiarity to-morrow.*

Origin and character of the popish plot.

It was during the last session of the pensionary parliament, that the nation was thrown into its memorable panic on account of the popish plot. It has appeared that a jealousy of popery and of France had long been a national feeling. It is true the king had lately professed a great solicitude for the safety of the established church, and his willingness to prosecute a war against France, in connexion with his nephew and the Provinces. But these professions were so strongly belied by various circumstances in his conduct, that no confidence could be placed in them. The apprehen-

* Neal, IV. 437—439.

sion indeed was, lest a war which the nation had so long desired, as a struggle against popery and arbitrary power, should be conducted so as to become the means of advancing those interests, both at home and abroad. And it was while the constitution and the religion of the country were thus known to be equally unacceptable to the king, and still more to the heir apparent; while these illustrious personages were both regarded as parties in an intrigue, hostile alike to civil freedom and to the protestant faith; and while the shape and extent of this dark confederacy were left to become the fruitful theme of every man's conjecture — at such a juncture it was that Titus Oates made his appearance, declaring himself possessed of momentous secrets in relation to this absorbing topic.

During several years Oates had officiated as a clergyman in the church of England. Professing himself a convert to the catholic faith, he had recently been admitted into the college under the superintendence of the English jesuits at Valladolid in Spain, and subsequently to a place with the fraternity at St. Omer's. His first disclosure purported to make known a plot, on the part of certain catholics, to assassinate the king, as the shorter method of vesting his more zealous kinsman with the supreme power. To this communication others were soon added, embracing a widely extended system, framed to overthrow the protestant religion throughout the British dominions, and to effect a re-establishment of popery. The improbable and the contradictory in this narrative

CHAP. VII. 1679.

were enough to have rendered it harmless at almost any other time. But at this moment it fell like a spark on the substance prepared to receive it.

The last statement made by Oates consisted of eighty-one articles, and to the correctness of these he made oath before Sir Edmonbury Godfrey, an active magistrate in the city. It happened about a fortnight later that Godfrey was suddenly missing, and, after some days' search, his body was found among some bushes on Primrose hill. His rings were still on his finger, and his purse untouched; his sword had been passed through his body, and remained in the wound, but his neck bore the marks of violence, which seemed to indicate that his death had come by strangulation. The most probable conclusion was, and still is, that Godfrey was murdered, and left by the assassins in a state that might beget a suspicion of his having destroyed himself. It is worthy of observation also, that Godfrey had been known to say, soon after receiving Oates's depositions, "On my conscience I believe that I shall be the first martyr."*

This event, taken with its various circumstances, was viewed as a confirmation of the disclosures made by Oates. Sincere credit appears to have been given to the substance of the informer's statements by the leaders of the country party as well as by the populace, and by a majority of persons in the court. It was in this stage of the public excitement that parliament assembled; and in both houses the grand question was how to protect the altar and the throne from the dark designs of the

* State Trials, VII. 168.

papists;—designs which, it must be admitted, were always on foot, and entertained with unusual confidence at this juncture. Danby and his dependants were the first to move publicly in this matter; but the activity of that minister was soon surpassed by his great opponent the earl of Shaftesbury, who, after a confinement of twelve months in the Tower, had resumed his seat in parliament.

This nobleman is spoken of in a preceding page as a person on whom little reliance was placed, either by the court or the country, from his known deficiency with respect to principle and perseverance. Every reader, however, must know that, notwithstanding these defects, Shaftesbury had been, for some years past, one of the most influential men in the kingdom. When excluded from the cabinet he became the restless adversary of those who composed it, and in these opposite connexions he had many followers. But, in both instances, the sympathies that seemed to produce a connexion with the man, arose from the value attached to the measures which his zeal and versatility were employed to promote, and, in a great degree, from that feeling of danger which accompanied both parties through nearly every step of this conflict. We may perhaps say that both sides were as much injured as served by him. But both deprecated his hostility. It can hardly be supposed that, with his characteristic shrewdness, he failed to see through the fabrication of much that Oates and his auxiliaries had palmed on the community. But he knew that if that revealer of secrets was on some points a deceiver, and on others probably

CHAP. VII. 1679.

deceived, there was, nevertheless, *a plot* in progress, and one from which the sort of revolution predicted by Oates was meant to follow. From whatever cause it arose, the zeal of Shaftesbury in investigating the alleged conspiracy was unrivalled, and, by many, was applauded as the evidence of his patriotism.

Coleman's letters.

Among the persons arrested in pursuance of Oates's depositions, and whose papers were seized, was Coleman, a catholic clergyman, who acted as secretary to the duchess of York. The letters in the possession of this man contained several suspicious passages. One addressed to Le Chaise, confessor to the French monarch, requested a supply of 20,000*l.* to be employed in furthering the interests of France and of the catholic cause in England. In another epistle to the same person he thus writes:—"We have a mighty work upon our hands, no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy which has, for a long time, domineered over this northern world. There were never such hopes since the death of our queen Mary, as now in our days. God has given us a prince who is become (I may say by miracle) zealous of being the author and instrument of so glorious a work: but the opposition we are sure to meet with is also likely to be great, so that it imports us to get all the aid and assistance we can."* There is no direct con-

* It is in the following terms that Calamy notices this panic, which took place while he was in his youth. "A real popish plot appears very plain from Coleman's letters. And though it is evident, from many things that fell out, and particularly from divers addresses of the house of commons, and

nexion between the plot here introduced and that deposed to by Oates; but the passage cited shews the busy and enterprising temper of the catholics at this time: and taken in connexion with the affair of Oates and Godfrey, and many other preparatory circumstances, renders it much less surprising that the nation should have been seized with the panic that now came upon it, than that historians should be found to describe the fear

from the Test Act in 1673, in which the two houses were so unanimous, that the nation had for some time been under no small apprehension of popery, and the danger we were in, in that respect; yet the discovery of this plot put the whole kingdom into a new fermentation, and filled people universally with unspeakable terror. To see the posts and chains put up in all parts of the city, and a considerable number of the train-bands drawn up, night after night, well armed, and watching with as much care, as if a considerable insurrection was expected before morning; and to be entertained from day to day with talk of massacres designed, and a number of bloody assassins ready to serve such purposes, and recruits from abroad to support and assist them, (which things were the general subjects of all conversation) was very surprising. The murder of sir Edmund Bury Godfrey (who had taken Oates's deposition, and had afterwards had free conversation with Coleman in private), with the black Sunday that followed soon after it, when it grew so dark on a sudden, about eleven in the morning, that ministers could not read their notes in their pulpits, without the help of candles; together with the frequent execution of traitors that ensued, and the many dismal stories handed about continually, made the hearts not only of younger, but of elder persons to quake for fear. Not so much as a house was at that time to be met with, but what was provided with fire-arms; nor did any go to rest at night without apprehensions of somewhat that was very tragical that might happen before morning. And this was then the case, not for a few weeks or months only, but for a great while together.

"Though I was at that time but young, yet can I not forget how much I was affected with seeing several that were condemned for this plot, such as Pickering, Ireland, and Grove, &c. go to be executed at Tyburn; and at the pageantry of the mock processions on the seventeenth of November. In one of them, in the midst of vast crowds of spectators, that made great acclamations, there were carried in pageants upon men's shoulders through the chief streets of the city, the effigies of the pope, with the representation of the devil behind him, whispering in his ear, and wonderfully soothing and caressing him, together with the likeness of the dead body of sir Edmund Bury Godfrey, carried before him by one that rode on horseback, designed to remind the people of his execrable murder."—Historical Account, I. 82—84.

CHAP. VII. 1679.

which extended itself to all classes as existing almost without the semblance of a reason. Even the judges went along with the popular feeling, and in some respects beyond it, notwithstanding the king and the duke were known to be most anxious that the whole should be discredited. On charges relating to this alleged confederacy the peers, even so late as 1680, condemned lord Stafford to suffer as a traitor; and among the most deeply infected with this delusion we find such men as Tillotson and Stillingfleet, Sharp and Sancroft.

Coleman confessed that the correspondence which the seizure of his papers had placed before the public was known to the duke of York and others. He also confessed that the duke had sent him to Brussels to obtain money from the pope, through the medium of his nuncio, on condition that favour should be procured to the English catholics. These numerous disclosures led to the introduction of a bill drawn up to exclude all catholics from parliament, and from the counsels of the sovereign. With the exception of a proviso in favour of the duke of York, this new test, after much discussion, was carried, and continued to be the law of these kingdoms until 1829.

It should be added, also, that the laws against the nonconformists were less vigorously enforced, in consequence of the greater fear with respect to the fate of Protestantism which these events had produced.

CHAP. VIII.

FROM THE DISSOLUTION OF THE PENSIONARY PARLIAMENT, TO THE DISSOLUTION OF THE PARLIAMENT ASSEMBLED AT OXFORD.

A NEW PARLIAMENT.—ALTERCATION RESPECTING THE APPOINTMENT OF A SPEAKER.—IMPEACHMENT OF DANBY RESUMED—CHARACTER OF HIS ADMINISTRATION.—NEW COUNCIL.—THE BILL OF EXCLUSION.—PARLIAMENT PROROGUED.—THE HABEAS CORPUS ACT.—DISSOLUTION OF PARLIAMENT.—A FURTHER TREATY BETWEEN CHARLES AND LOUIS.—PETITION OF THE SEVENTEEN PEERS.—PROCLAMATION AGAINST PETITIONING.—WHIGS AND TORIES.—RETURN OF THE DUKE OF YORK.—THE MEAL-TUB PLOT.—THE DUKE PRESENTED AS A RECUSANT—HE LEAVES THE KINGDOM.—MONMOUTH'S PROGRESS—PARLIAMENT.—THE BILL OF EXCLUSION RESUMED—REASON OF THAT MEASURE.—ITS FAILURE—EFFECT OF THAT EVENT ON THE COMMONS.—TRIAL OF STAFFORD.—PARLIAMENT DISSOLVED.—CONDUCT OF THE JUDGES EXAMINED.—OXFORD PARLIAMENT.—EXPEDIENT PROPOSED IN PLACE OF THE EXCLUSION BILL—AND REJECTED.—DISSOLUTION OF PARLIAMENT.—THE KING'S DECLARATION—A REPLY.

CHAP. VIII.

1679. New parliament.

THE dread of popery never swayed the mind of the English people more violently than in the spring of 1679, when necessity required that they should be summoned to choose their representatives in a new parliament. The elections were opposed, almost invariably, to the wishes of the court. Danby became alarmed, and the duke of York, after much painful hesitation, complied with the request of the monarch in absenting himself from the kingdom, until the present storm should be found in some measure to subside.* February.

* "The aim of the earl of Danby, in pushing on the dissolution of parliament in which he had so many pensioners, was to screen himself from prosecution; for his prosecution was the point on which the parliament was

CHAP. VIII.

1679.

Altercation respecting the appointment of a speaker.

On the meeting of the commons, a dispute took place with respect to the appointment of a speaker. Seymour, the man of their choice, was objected to by the crown, on the pretence of his being designed for some other office. The commons, on the other hand, refused to elect the person nominated in his room. Their next choice fell on serjeant Gregory, in whom the rival parties were agreed. On the part of the sovereign, the rejection of Seymour was the exercise of an almost obsolete privilege, and the new nomination on the part of the commons, was the attaching of a privilege to their body hitherto regarded as belonging to the members of the privy council.*

Impeachment of Danby resumed.

March 22.

But the issue of this altercation, though more favourable to the commons than to the court, did not prevent its operating to the prejudice of Danby. The upper house was urged to proceed with his impeachment, and a sentence of banishment, which his judges were inclined to pass upon him, was objected to by his prosecutors as being a partial expedient introduced to prevent those inconvenient disclosures that might be elicited in the process of a regular trial. Charles dismissed

broken."—Calamy's Historical Account, I. 85. Much effort, it appears, was made to render the dissenters subservient to the court, "in the election of parliaments that followed" the late dissolution. But it is stated, that "they entirely and unanimously fell in with the sober part of the nation, in the choice of such persons, for the three parliaments that next succeeded, as it was known would, and who did, most generously assert the liberties of the nation and of the protestant religion."—Howe's Case of the Protestant Dissenters, Represented and Argued: in 1689. Life of James, I. 530, *et seq.* Father D'Orleans, in his "History of the Revolutions in England," describes the parliament of March 1679, as "filled with presbyterians." He must mean, that they were favourable to a toleration of dissenters.

* Parl. Hist. IV. 1092—1113. Burnet, II. 194. Reresby, 80, *et seq.* Lingard, XIII. 128.

the treasurer from office and from his councils, and interposing between the delinquent statesman and his accusers, assured the house that, whatever the late treasurer had done, had been done as an act of obedience to his sovereign; that every thing questionable in his conduct was already pardoned, and should certainly be pardoned again as often as necessary. This language could not be mistaken. It went to destroy the main-spring in the mechanism of the constitution—the responsibility of the advisers of the crown. The commons saw it in this light, and the pardon thus pleaded in bar of an impeachment, was declared, on several grounds, to be illegal and void, and justice against the earl of Danby was more loudly demanded. But in this stage of the business, a dispute occurred with respect to the right of spiritual peers to vote in cases of blood, and the prosecution, which was thus interrupted, there was no opportunity to resume. The earl, however, was continued a prisoner in the Tower, where he remained, without trial, until 1685.*

May 5.

Character of his administration.

The administration of this nobleman may be said to have extended from 1673 to ~~1685~~. His elevation resulted chiefly from his ability as a speaker, and was preserved through its brief interval,

1679

* Parl. Hist. IV. 1114—1121, 1129. Ralph, *ubi supra*. Lords' Journals, 575—594. "Danby became the most hated minister that had ever been about the king; yet he found ways and means to recover afterwards. He run the gauntlet, in course of time, through two parliamentary impeachments, but was generally caressed by the court longer than any one of the favourites in king Charles's reign. In the reign of king James, lord Danby lived retiredly, but heartily fell in with the revolution, promoted it to his utmost, and was afterwards made duke of Leeds. He died in peace, in 1712, transmitting his titles and estates."—Calamy, I. 105.

CHAP. VIII. 1679.

by means that were scarcely more creditable to his sagacity than to his patriotism. In compliance with the mistaken policy of the royal brothers, he did much, even against his own better judgment, that served to endanger both the religion and constitution of his country; and, in aid of the same policy, he exceeded the most profligate of his predecessors in the business of corrupting the lower house of parliament. Yet that bribed assembly was to prove his mortal foe; the heir apparent became no less his enemy; and even the favour of the king had failed him some time before his fall.*

New council formed.

There was now room to apprehend that the cabinet, and even the succession, would fall under the control of Monmouth. Such a course of affairs was deprecated, not only by the thorough partisans of the duke of York, but by such statesmen as sir William Temple. The expedient devised against this evil, and several others, was the formation of a new privy council, to consist of thirty members, one half to be composed of persons having employment in connexion with the government, the other to be made up of leading men from the country party. It was arranged, also, that the property of this council should be in the proportion of three-fourths to that which was understood to be possessed by the house of commons. The selection made from the ranks of opposition not

* The prosecution of Danby did much toward settling three important points connected with parliamentary impeachments. It supplied a precedent for resuming an impeachment in one parliament, which had been commenced in another; it conceded, that a peer, impeached by the commons, should be ordered to withdraw; and above all, it determined that the king's pardon was not to be adduced in bar of an impeachment.

only included the names of Russell and Cavendish, but those of Halifax and Shaftesbury, who were known to be much more obnoxious. The latter, indeed, was raised to the dignity of president. By the people, the entire measure was hailed with every expression of delight. It was viewed as promising a restoration of the lost confidence between the sovereign and his subjects. By the commons, however, it was soon looked upon with jealousy, as giving existence to a sort of rival parliament, the influence of which would probably be to lessen the authority of the two houses in relation to the people, without making any real addition to it in relation to the crown. Charles had submitted to this novel adjustment purely from necessity, and had determined that, at least, the latter part of this prediction should be realised.

The new council soon addressed itself to the work of reformation. But, on proceeding to urge the removal of some obnoxious functionaries, the king was pleased to insult their professions of zeal about the tranquillity and safety of the nation, by pleading, on grounds which partook more of buffoonery than reason, that the persons named should not be disturbed. It was in this manner that the monarch chose to make his new advisers sensible that there were points on which his pleasure must be their law. Among the popular leaders who were brought, by this expedient, into connexion with the court, lord Russell appears to be the only man whose authority with his party remained undiminished.*

* Temple, II. 493, *et seq.* Life of Lord Russell, I. 153—156. Charles

CHAP. VIII. 1679.

The exclusion bill.

The question which engrossed the attention of that party, at the present juncture, was the succession to the throne, the majority being deeply anxious to exclude the duke of York. To prevent the adoption of such a measure, Charles submitted a series of regulations to the approval of the two houses. Their object was said to be the security

May 11. of the established church, in case of a catholic successor. But the exclusionists were not satisfied with these concessions, and it was agreed that a bill should be brought in which should "disable the duke of York to inherit the imperial crown of this realm." The bill introduced declared the

May 15. assumption of sovereignty, on the part of that prince, under any circumstances, to be high treason, and even pronounced him liable to the penalty of that offence, should he appear again in the kingdom. It passed the commons by two hundred and seven, against one hundred and twenty-eight.

Shaftesbury, who pursued this object with a sleepless solicitude, employed all his ingenuity to strengthen the parties supporting it. He was now in great intimacy with Monmouth, and while he prevailed with many to believe that the king only wanted a decent pretext to substitute that prince in the place of his brother, he succeeded with a much larger number, by powerful descriptions of the danger which must beset the protestant faith, if once exposed to the influence that would be certainly directed against it, on the accession of a papist to the throne.

"thought to keep Shaftesbury from doing him hurt, by keeping him in his service."—Life of James, I. 558. Reresby, p. 89. Sidney's Letters to Saville, April 21, May 12.

A few days, however, after the exclusion bill had passed the commons, the earl learnt, with astonishment and indignation, that Charles had determined, and without the least reference to his council, to prorogue the parliament. This was to make void what had been done, and was in direct opposition to the royal promise, when the formation of the new council was announced. It was then said, that "by the constant advice of such a council, his majesty is resolved hereafter to govern his kingdom."*

Parliament prorogued. May 27.

The Habeas Corpus Act.

But it is pleasing to observe, that the day on which the king thus retraced his steps toward despotism, was rendered memorable by the passing of the Habeas Corpus Act. A clause in Magna Charta had declared, that no Englishman should be imprisoned, or punished, save by judgment of his peers, or by the law of the land. The Plantagenets, the Tudors, the Stuarts, all had agreed in the frequent violation of this grand immunity. Under the last of the Tudors, and still more under the house of Stuart, many patriotic efforts were made to procure a more sacred recognition of this chartered right. The year 1679, however, had arrived, and what with the ingenuity of lawyers, and what with the turbulence of the powerful, the subject was still frequently denied that liberty which the law had marked out as his inheritance.

* Parl. Hist. IV. 1122—1149. A spirited attempt was made this session to ascertain the extent of the bribery introduced into the last parliament, and the parties chargeable with that offence. The king checked these inquiries; but it appeared, as we have previously seen, that not less than 20,000*l.* had been annually distributed for that purpose, under the name of king's bounty, or secret service money.—Ibid.

CHAP. VIII. 1679.

The present enactment required the proper authorities to grant the writ of Habeas Corpus whenever demanded, and to accept of bail, without hesitation, in all bailable cases. It, moreover, deprived all persons having the custody of parties accused, of their various pretexts for unlawful detention; it provided that all persons committed on a charge of felony or treason, should be speedily brought to trial, or released; and the practice of conveying persons out of the kingdom, for the purpose of evading the humane provisions of the law on this subject, was particularly reprobated, and heavier penalties attached to it. The honour, or as James the second, in true Stuart feeling, considered it, the reproach, of carrying this measure, belongs mainly to Shaftesbury. Even yet it required the revolution of 1688 to give this solemn statute, and many beside, their full force. Some material improvements, indeed, were made in it, so late as the reign of George the third.*

Parliament dissolved.

Before the late prorogation, the council had

* "Ferguson, in his Growth of Popery, with some bitterness, affirms, that this bill met with great opposition from the lords; that it gave rise to several conferences between the two houses, and that though it was far short of what it ought to have been, it was almost a miracle that their lordships suffered it to pass at all. And so much of truth there is in these assertions, that the committees of the two houses met several times upon it, without coming to any agreement; insomuch that the completing of the bill was put off to the last hour of the session; and even then the commons were glad to admit of the lords' amendments, that they might have the merit, and their fellow-subjects the benefit, of so useful a law."—Ralph. "It was a great misfortune to the people," says James, "as well as to the crown, the passing of the Habeas Corpus Act, since it obliges the crown to keep a greater force on foot, than it needed otherwise, to preserve the government; and encourages disaffected, turbulent, and unquiet spirits, to contrive, and carry on, with more security to themselves, their wicked designs; it was designed and carried on by the earl of Shaftesbury to that intent."—Memoirs, II. 621.

become divided into several parties, and one effect of that measure was to render these more hostile to each other. Shaftesbury was especially indignant, and his activity taught the king, and those secret counsellors who had urged that proceeding, to shrink from the prospect of meeting parliament on the appointed day. These persons, consisting of the three lords who formed the king's private cabal, agreed to move the council in favour of a dissolution. Sir William Temple hesitated; by every other member the motion was opposed; and when Charles avowed his determination still to act upon it, his advisers are described as separating "with great rage on the part of lord Shaftesbury and of lord Russell, and general dissatisfaction."*

A further treaty between Charles and Louis.

But with the proclamation which dissolved this parliament, the monarch issued his summons for another. It was soon manifest, from the elections, that the new house of commons would not be more manageable than its predecessor. In this exigency the king resorted to the aid of another secret treaty with Louis. Charles promised, on condition of receiving from that monarch the sum of nine millions of livres in the course of three years, that there should be no meeting of parliament during the whole of that space; and he repeatedly assured the French ambassador, that his master's compliance must render England for ever dependant on France. But Louis complained of pecuniary difficulties, and the English sovereign at length consented to place his country in the vassal

* Temple, II. 509—512.

CHAP. VIII. 1679. Oct. 17.

state which he described, on the promise of being paid one million of livres annually, during the next three years—a third of his original demand. In agreement with these honourable stipulations, the meeting of the new parliament was deferred, notwithstanding the most solemn remonstrances from the council. But that lesser part of the nation, which still retained some share of patriotic feeling, whether suspecting the real cause of this proceeding or not, was found incapable of submitting to it in silence.*

Petition of the seventeen peers.

The king's intention to prorogue the parliament was known before the day on which it should have assembled, and a petition was presented by seventeen peers, praying him to meet the two houses at the time appointed. Charles was displeased; he feared the influence of this spirited example, and employed himself to discover some means by which to prevent an imitation of it in other quarters. The chancellor was instructed to convene the mayor and aldermen of the city, and

* Temple, II. 521. Dalrymple, pp. 229—255. Dr. Lingard says, that when the king intimated to his council his intention to prevent the meeting of the two houses by a prorogation, "no one ventured to remonstrate." The following passage is from the speech of sir William Temple, and certainly contains something very like a remonstrance. "As to the resolution he (the king) had taken, he would say nothing, as he was resolved to hear no reasoning upon it; therefore he would only presume to offer him his humble advice, as to the course of his future proceedings, which was, that his majesty, in his affairs, would please to make use of some council or other; and allow freedom to their debates and advices, after hearing which, his majesty might resolve as he pleased; and if he did not think the persons or number of his present council suited to his affairs, it was in his power to dissolve them, and constitute another of twenty, or ten, or five, or any number he pleased, or to alter them again when he would; *but to make counsellors that should not counsel*, he doubted whether it were in his majesty's power or no, because it implied a contradiction." This was in answer to the king's statement, that his mind was made up, and that he would hear no argument on the subject.

to insinuate something about intercepted letters, with allusions to petitions of this nature, as an artifice resorted to for seditious purposes. An arbitrary judgment had been given against the practice of presenting petitions to the king, soon after the accession of James the first, and was now appealed to as a precedent. After much manœuvring, the crown lawyers agreed about the form in which they should assist the lawless inclinations of their master. The following artful statement was supplied on the subject of prohibiting petitions by proclamation. This instrument, it was said, "ought by no means to prohibit the petitioning his majesty in any case, much less in the case of the parliament; but it might take notice of certain ill people, who, under the specious pretence of petitioning, went about, in a seditious and tumultuous manner, gathering hands to certain papers." The attorney-general, to his great honour, declined becoming a party to the jesuitical distinctions thus made. But a proclamation to this effect was issued.*

Proclamation against petitioning.

Dec. 11.

Petitions, with numerous signatures, were nevertheless presented from London and Westminster, and from several counties, praying that parliament might be allowed to assemble. The answers returned to these addresses were published in the gazette; and, that they might operate as a discouragement, were drawn up in terms which sometimes amounted to insult. In the mean while, the press, now strictly in the hands of the court,

* Somers' Tracts, VIII. 122—129. Life of Lord Russell, I. 183—185.

CHAP. VIII. 1679.

was employed to describe the conduct of the petitioners as a return to the insidious and revolutionary practices of 1641. By this policy much restraint was laid on the friends of the constitution, while the old cavaliers and churchmen were roused from that lethargy into which they had for some time fallen. Several addresses were now prepared, by the influence of certain mistaken zealots, among the gentry and clergy, in which men professed to abhor the practice of promoting petitions, and the nation found itself suddenly divided into two classes—*petitioners* and *abhorrers*.*

Whigs and Tories.

But these party names soon gave place to the more permanent designations of whig and tory. The former of these appellations was of Scottish origin, and had become indicative of the principle of resistance to lawless authority; the latter had obtained as the name of a party in Ireland, and was understood to imply an inclination towards arbitrary government, if not towards popery. In England, as in Ireland and Scotland, these designations were given, not assumed. But they soon ceased to be names of reproach, in the esteem of the persons on whom they were bestowed. No new principle was denoted by them, and the parties whom they, from this time, served to distinguish, were too powerful to be at all affected by any thing discreditable that may have been attached to their origin. "The whigs," says one

* "Should I ever so much endeavour it, I could not forget the heats there were, both in city and country—petitions and abhorrences, which were very warm, came then from different quarters; people were not only amused with them, but enraged, and things looked very generally as if the nation was running into a civil war."—Calamy's Historical Account, 1. 90.

of the most intelligent and candid of their present leaders, "formed a popular party far less enthusiastic in their religious tenets, and less divided in their political views, than that which opposed Charles the first. With the exception, perhaps, of Sydney, who was not in parliament, none of them wished for any thing more than a regular execution of our ancient constitutional laws,—government by parliament, and trial by jury. The hereditary succession of the crown was, in their eyes, a rule for the benefit of the people, and not a dispensation of providence for the advantage of a single family. If at any time, therefore, the observance of the rule became dangerous to the welfare of the community, the legislature was, in their opinion, competent to consider whether that danger was greater than the inconvenience of deviating from the established course.

"In carrying on the ordinary government of the country, their chief aim and endeavour was to preserve unimpaired the rights and liberties of the people. If, to obtain these objects, they sometimes asked for the confirmation of privileges which were doubtful, and even the establishment of some that were new, these were only natural steps in the progress of civilization. For the same rights which, fenced by uncertain boundaries, are, in barbarous times, the occasion of discord and civil war, become, when accurately defined, the safeguard of national tranquillity. A law, to be really efficient, must not only be good in itself, but must be easy of execution, and unassailable on every side. A statute enacting the liberty of

CHAP. VIII. 1679.

the press would be of no use, if the administration of justice were not pure; the responsibility of ministers would be a phantom, if the king could grant a pardon previous to impeachment. The act of Magna Charta itself was frequently violated, and became the cause of most destructive wars. But its purpose having been completed by the act of Habeas Corpus and the Bill of Rights, personal liberty and public tranquillity are undisturbed. To the necessity which exists of thus filling up the outline sketched by rude hands, we must attribute many of the pretensions which Mr. Hume has pointed out as innovations. With respect to religious distinctions, the whigs, it must be owned, had generally a leaning towards the dissenters. Nor did this arise only from the love of freedom, remarkable in those sectaries. It was connected with a laudable desire for toleration to every sect but one, which was active in its endeavours to alter the government.

"The tories, on the other hand, were attached to the laws as well as the whigs, but were for leaving entirely to the king, whether or not they should be executed. They considered the crown as a sacred and inalienable inheritance. They held that the right of the successor to the throne was paramount and indefeasible. And as the whigs wished to allow liberty, as far as could be consistent with monarchy, the tories desired to give to monarchy every thing that was compatible with safety. Their attachment to the established religion alone was stronger than to the established government. At the time of which we are treating,

these two principles of theirs were perfectly consistent. Whilst the tories professed that they never would abandon the church, the church declared that no circumstance whatever could alter their allegiance to the king.

"It must not be supposed, however, that the tories, though loud in their professions of unlimited submission, ever seriously meant that they would not resist, in an extreme case. They sincerely venerated the laws, and dreaded the subversion of our ancient constitution. Thus, whilst they spoke with abhorrence of resistance to their sovereign, their conduct had a direct tendency to produce it. For their silent acquiescence in acts of petty tyranny, encouraged the king to proceed to still greater outrages, till at last, no remedy was to be found but in a revolution.

"The whigs, on the other hand, by their persevering opposition, acted in a manner to prevent the necessity of the resistance of which they spoke so much.

"These parties, it must be owned, have their foundations deep in the opinions of the country. As long as there is a body of men in this country attached to church and king more than to the constitution, the tory party will subsist; and as long as there is a large portion of the people who consider monarchy only as the best protection for liberty, the whig party will flourish."*

Return of the duke of York. 1680.

When the king resolved to prorogue the parliament, he also determined to recal the duke of

* Life of Lord Russell, I. 186—189.

CHAP. VIII. 1680. Jan. 31.

York, who had recently exchanged his exile at Brussels for a residence in Scotland. Several whig members of the council, including lords Russell and Cavendish, now begged permission to retire, to which the sovereign replied, "With all my heart." These persons continued to occupy themselves in endeavouring to effect the exclusion of James from the throne.

The meal-tub plot. 1679.

The meal-tub plot, mentioned by historians, originated with a man named Dangerfield, who, after running an unusual course of vice, sought to mend his fortunes by becoming a detector, or rather a fabricator, of conspiracies. He was, for some time, the tool or the deceiver of certain emi-

June.

nent catholics, and assured the duke of York that he was prepared to convict the presbyterians of a meditated rebellion against the government. But his forgeries would not bear inspection; his character was ascertained to be utterly worthless; and his final attempt to substitute a popish conspiracy

October.

in the place of a presbyterian one, by accusing his former connexions, was also a failure. The fact, however, of his having been brought upon the stage by catholics, and of his being known to have received a gratuity for his services from James himself, operated much to the prejudice of the duke's interest. An attempt was made to prove a collusion between Dangerfield and Shaftesbury; but the evidence rested on two unimportant letters, which the former afterwards professed to have stolen from the apartment of the latter. The whigs, however, descended to make use of this wretched man's testimony against the duke, when

about to introduce the exclusion bill, in the autumn of this year.* CHAP. VIII.

1679.

The determination of the country party with respect to the object of that bill, was especially evinced at this time by their presentment of the duke's name as that of a recusant to the grand jury at Westminster. This proceeding was conducted by Shaftesbury, but it had the active concurrence of lord Russell, and of the most influential persons connected with him. The information, indeed, was not acted upon by the court; but there was an intrepidity in the measure, which raised the courage, and increased the activity of the whig party. Its effect on the friends of James was such, that they agreed in urging his departure from the kingdom, until a more tranquil state of feeling should be by some means procured. The duke presented as a recusant.

The advice of these parties would probably have been different, had they not found themselves obliged to anticipate a meeting of parliament. The private treaty with France had failed, in consequence of the opposition made by two of the king's secret ministers with respect to certain conditions, still more humiliating, that were attached to it when on the eve of execution. The king's He leaves the kingdom. 1680.

* "The whigs," says Calamy, "were very brisk, and mightily elevated all the while there was a run upon the papists; but when the tide turned, and the court trumped up a protestant plot, in one form after another, to divert the scent, they became jealous and uneasy, and much disheartened. The dissenters were then very rigorously dealt with, and that not only in and about the city, but all the nation over. They were so, indeed, for the greatest part of this reign; and the restraining them their worship, was by many represented not so much as a matter of religion, as of safety to the government. And this reproach was taken up, on purpose to justify premeditated designs of oppressing them: according to the way of the soldier, who said the countryman whistled treason, when he had resolved to plunder him."—I. 87.

CHAP. VIII. 1680.

necessities accordingly returned, and rendered a meeting of the two houses imperative.

In prospect of that event, the council was called upon to deliberate as to the propriety of the duke's absenting himself, and the question, after much discussion, was decided in the affirmative. In the warmth of debate, one of the duke's friends remarked, that the men who were so willing to vote the duke an exile, would vote away the sovereign himself if the vox populi should demand it. But another of his advocates was constrained to observe, "if the duke does not go now, he must go in a fortnight, and the king with him;" and Charles himself appears to have been nearly of this opinion.

The prospects of James were never so nearly hopeless as at this crisis. He advised the king to rely on the fidelity of his troops, and to maintain his authority by the sword.* But the indolent

* "Lauderdale," says Calamy, "valued himself not a little upon finding out that what he called the true way to make Scotland serviceable to the king's designs in England; which he fancied he fixed most effectually, when he, in the Scottish parliament, got the act for the militia passed, according to which twenty thousand foot and two hundred horse, sufficiently armed, and furnished with forty days' provision, were to be in readiness, upon his majesty's call, to march to any part of his dominions of Scotland, England, or Ireland, for suppressing any foreign invasion, intestine trouble, or insurrection, or for any other service wherein his majesty's honour, authority, or greatness, might be concerned. When this was brougbt to bear, he wrote the king word, that all the kingdom was now in his power, and here was an army ready to his will, adding several other ill insinuations."—Historical Account, I. 103. These suspicious proceedings called forth the several addresses from the parliament, for the removal of this minister, the first of which was presented in 1674. His government in Scotland was proved to have been "liker the cruelty of an inquisition, than the legality of justice."—Burnet. But the king, who rarely said a foolish thing, sometimes said things equally memorable for their weakness and wickedness. "I find," said Charles, "that Lauderdale has done many things against the people of Scotland, but nothing against my service!"

But the fear of an army, during the latter part of this reign, did not refer

temper of the monarch was opposed to the reception of such councils, and the duke was obliged to content himself with purposes of revenge; with secret assurances to the king of France of an eternal devotion to his interests; and with lamenting to his brother that the crown had not been made independent at the restoration, and that Clarendon's impeachment should have been allowed to supply so fatal a lesson with respect to the authority of the commons in relation to the king's advisers. Even his request to be secured from impeachment was not complied with. The promise of the king to dissolve parliament rather than suffer the pretensions of the exile to be infringed was all that could be obtained. James resumed his residence in Scotland.

Monmouth's progress.

Monmouth, who, in his turn, had been subject to temporary banishment, made a sort of progress through several of the western counties during the August of this year. These public visits to his friends in that part of the kingdom, served to elicit some strong expressions of popular feeling in

to Scotland so much as to a quarter nearer home. "It was observed by many, that when king Charles attacked the Dutch, in connexion with France, and the parliament gave him two millions and a half to maintain the war, he with part of the money raised about twelve thousand men, which were called the Blackheath army, of which marshal Schomberg was general, and Fitzgerald, an Irish papist, lieutenant-general; and they were said to be raised against Holland, but instead of using them for that purpose, the king kept them encamped at Blackheath."—Calamy, 1. 80. "Returned with my lord by Hounslow heath, where we saw the new raised army encamped, designed against France, in pretence at least, but which gave umbrage to the parliament. His majesty and a world of company were in the field, and the whole army in battalia—a very glorious sight."—Evelyn's Diary, June 29, 1678. Thus it was through nearly the whole of this reign; the parliament calling for war, and alarmed for their own safety the moment the means of prosecuting it were entrusted to the sovereign. Nor were their fears unreasonable.

CHAP. VIII. 1680.

his favour. The whigs had never been so much disposed to encourage the hopes of this pretender as at the present juncture. They could not, however, be insensible, that if this elegant scion of royalty were ever raised to the throne, it must be less by his own capacity or firmness, than by those of his adherents.

Parliament. Oct. 21.

Parliament assembled on the twenty-first of October, and on the twenty-sixth the commons resolved, "that they ought to proceed effectually to suppress popery, and prevent a popish successor." This was moved by lord Russell, and seconded by sir Henry Capel. The next step was to censure the conduct of the persons who had laboured to "traduce petitioning." The design of these persons was said to be the subversion of the constitution, and it was resolved unanimously to institute a committee of inquiry, with respect to all who had thus "offended against the right of the subject." The abhorrers were generally the enemies of freedom, and their conduct merited reprobation from its friends. But it must be owned, that this committee sometimes allowed too great a scope to its resentment; insomuch, that some honest men, who had only been apprehensive of arbitrary power, as emanating from the authority of the crown, began to fear lest that evil should become engrafted on the jurisdiction of parliament. The committee acquitted itself with more credit, when directing its attention from these delinquents to the authors of the proclamation which was the chief means of calling forth their activity. Sir George Jeffries, already distinguished in his career

of infamy, was concerned in this transaction, and was brought on his knees before the house. The attorney-general, to save himself, was obliged to name the chief offender, lord North. An impeachment of that mercenary judge followed, but, from various causes, it was not prosecuted.

The exclusion bill resumed.

A few days only had passed since lord Russell's motion to provide against a popish successor, when he seconded a resolution, introduced by colonel Titus, "That a committee be appointed to draw up a bill to disable James, duke of York, from inheriting the imperial crown of this realm." Lord Russell was a man of moderate feelings, and was unquestionably a friend of monarchy. His appearance, accordingly, as a leading advocate of this bold measure, must suggest that the conviction as to its necessity was very widely felt. According to his own statement on this subject, he had to decide between thus diverting the succession, and then suffering the crown to descend with its constitutional authority unimpaired; and that scheme of policy, which viewed the crown as a matter of mere inheritance, and, in the present instance, rendered it necessary so far to diminish the powers of the monarchy, as to convert it into little more than a mere name. In this alternative, it appeared better to him that an individual should suffer, than that the monarchy should suffer; that one prince should fail to possess the crown at all, than that a race of princes should possess it shorn of its due splendour. As to the persecution said to be involved in thus depriving the heir apparent, purely on account of his religion, it was denied that this

Reasons in favour of that measure.

CHAP. VIII. 1680.

was the fact. It was contended that an attachment to the popish religion had been found inseparable from disaffection to the English constitution. The imperative obligation of parliament, was to save that constitution, and, if need be, to make even the line of succession subservient to it.

The monarch now in possession of the throne possessed no qualities that could serve to endear the house of Stuart. Under James, all those evils would probably be realized, which were either prevented or mitigated by the idle and uncertain temper of his predecessor. To dispense with parliaments, and that for the grand purpose of establishing a despotic government and the catholic religion, was the only policy to be expected from the claimant on the ground of legitimacy. France, as heretofore, would lend its treacherous aid in support of such an enterprise, and at home it would not be difficult to secure a party in its favour. It is true, when the hour of trial came, the end was sought in utter contempt of the only means that could have accomplished it, and the scheme fell into ruin from its sheer weakness. But this was an instance of infatuation that no man could for a moment have anticipated.*

Its failure.

The commons vacated their house to become auditors of the debate on this question in the lords. But the court, partly by the personal canvass of the sovereign, and partly by his presence during the discussion, obtained a powerful majority on the side of the duke. The division was sixty-three against thirty. Of the feeling produced by this

Its effect.

* Parl. Hist. IV. 1160—1215. Life of Lord Russell, I. 213—228.

result in the lower house, we may judge from the fact, that lord Russell, under the impression of the moment, exclaimed that he would have voted his own father an enemy to the king and kingdom had he been in the majority of that day. CHAP. VIII. 1680.

Charles now spoke of a supply; but the house, instead of complying with his request, drew up a remonstrance, relating to various grievances, and declared that by this protest they freed themselves from the guilt of that disorder and bloodshed which would soon break forth upon the country if measures in support of the popish interest should continue to be favoured by the government. They prayed particularly that the earl of Hallifax, who had distinguished himself in opposition to the exclusion bill, should be removed from the royal councils. Charles professed to be dissatisfied with the reasons on which this request was founded; but, to soften the displeasure of the house, observed, "that he would leave all real offenders about his person to their own legal defence, without interposing to protect them." Seymour, another member of the council, had given the like offence by pursuing the same course; and the whig leaders were pleased to punish him for one delinquency by convicting him of another. The charge brought against him was that of having applied the public money to purposes different from those specified in the grants of parliament.* Nov. 22.

Another occurrence, which occasioned some ardent expressions of feeling at this time, was the trial of lord Stafford, one of the five catholic lords Trial of lord Stafford. Nov. 30.

* Parl. Hist. IV. *ubi supra.*

CHAP. VIII. 1680.

who had been committed to the Tower on the ground of Oates's depositions. Thirty-one peers would have acquitted him, but fifty-five agreed in adjudging him guilty of treason, among whom were many of the most zealous advocates of the prerogative. In this stage of the proceedings against him, Stafford professed himself willing to make important disclosures, on condition of obtaining a pardon. Some encouragement was held out to him, and he was allowed to appear at the bar of the house, where he described the series of intrigues that had taken place since the restoration, in connexion with the duke of York, for the purpose of procuring a re-establishment of the Romish faith, under pretence of a toleration. So long as this narrative affected the duke only, it was listened to, but when the name of Shaftesbury was introduced among the conspirators against civil liberty and the protestant religion, silence was suddenly broken, and the informant was ordered to withdraw. Stafford now found himself exposed to the vengeance of the two great parties,—the partizans of the duke, and the friends of Shaftesbury. His blood was accordingly shed; but his sufferings, together with his age and infirmities, excited the compassion of the people, and contributed much toward closing those scenes of injustice and cruelty which arose out of the popish plot. Many apparently innocent lives had been previously sacrificed.*

Parliament dissolved.

During this session, a bill was introduced to free protestant dissenters from the penalties to which they were exposed, by the thirty-fifth of Elizabeth,

* State Trials, VII. 1218, *et seq.* Parl. Hist. IV. 1229, *et seq.*

and it passed both houses. But Charles, when about to prorogue the parliament, betrayed his feeling in relation to that party, by arranging that the clerk should fail to present the document to his approval. This prorogation of parliament was followed by its speedy dissolution, an event occasioned by the fixed resolve of the commons to make the success of the exclusion bill the condition of granting supplies, and by the avowed determination of the monarch to adhere to the decision of the lords on that vital question. It was observed by the popular leaders, that nearly two years had passed since the first introduction of this obnoxious bill, and that now it was not only to be rejected, but without the least expedient in the place of it. The house professed to regard this course of proceeding as threatening the stability, and even the existence, of every thing valuable in the kingdom. The members, therefore, not only justified what they had done, but prayed for the removal of several persons from the councils and presence of the sovereign, and declared that all who should lend money to the crown, by way of anticipation on the revenue, as had been for some time the custom, should be considered as meaning to hinder the due assembling of parliament, and be accountable for their conduct to that authority.

Conduct of the judges examined.

The most important business connected with this session, next to what concerned the exclusion bill, was an examination of the recent conduct of the judges. It happened that the act in restraint of the press, had a short time since expired; and the judges had stated, that any interference with

CHAP. VIII. 1680.

printing, would, in consequence, be illegal. This decision was far from being acceptable to the court, and the bench was influenced and changed, until it came to the following judgment: "That to print or publish any news, books, or pamphlets of news whatever, is illegal; that it is a manifest intent to the breach of the peace, and the offenders may be proceeded against by law as for an illegal thing." Through the whole of this reign, the stream of justice was polluted, whenever the policy of the court was thought to require it; and Scroogs, the chief justice, was uniformly so little scrupulous in such cases, as to have merited particular resentment. To the above decision, he attached all the authority of a statute, and by its means began a course of increased injustice and tyranny. In the seizure of property, the attaching of persons, the admission of bail, the regulation of fines, and the treatment of evidence and witnesses —in all these important respects, the law was of small moment, when compared with the pleasure of the chief justice, its sworn guardian. Added to which, his debaucheries were such as to have utterly degraded a much humbler functionary, while his official conduct toward the victims placed within his power, was frequently an outrage on decency and humanity. Yet, as it was with the chief justice, so was it, in most respects, with the majority of his colleagues. The "bench was filled with such as had been blemishes to the bar."* The commons sent up an impeachment against

* Sidney's Speech on the Scaffold.

Scroogs, but the dissolution of parliament prevented a trial. It was considered expedient, however, soon afterwards, to remove him, allowing him a pension during life.* 1681. Jan. 5.

Oxford Parliament. March 21.

The last parliament had not been long dissolved when it was deemed necessary to assemble another, and Oxford was chosen by the king as the place of meeting. By this arrangement, Charles avoided exposing himself to the discontent which prevailed in the metropolis, and appeared surrounded by the most obsequious portion of his subjects. The whig leaders were apprehensive of some more objectionable design, but took care to appear, attended by numerous friends and retainers. The crisis of the struggle between the crown and the parliament was felt on both sides to be at hand, and was mutually sought. The speech, in which the monarch greeted the two houses, was one of the most artful productions ever addressed to a popular assembly. It affected the greatest moderation, both on a review of past differences, and in prospect of future proceedings. The authority of the crown, and the liberty of the subject, were to be alike sacred; and the sovereignty chiefly venerated by the prince and the people, was to be that of the laws. That the wants of the government should be supplied, was said to be obviously necessary to its credit abroad and its efficiency at home—matters from which the interests of every member were inseparable. And when stating that what had already proceeded from the throne, touching the succession, could not be departed

* Parl. Hist. IV. 1274—1278.

CHAP. VIII. 1681.

from, it was added, "But to remove all reasonable fears that may arise from the possibility of a popish successor's coming to the crown, if means can be found that in such a case the administration of the government may remain in protestant hands, I shall be ready to hearken to any such expedient, by which the (protestant) religion might be preserved, and the monarchy not destroyed."*

Expedient proposed in place of the exclusion bill. March 26.

Five days passed, and the court remained silent with respect to the expedients thus alluded to. The exclusion bill was then brought forward again, and this called forth a statement of the plan which had been devised to supersede it. The proposal was, that James should be banished, during life, to a distance of five hundred miles from England; that on the death of Charles, the duke should assume the title of king, but that the powers of sovereignty should be committed to a regent; that regent to be, in the first place, the princess of Orange, eldest daughter of the said duke; the next in succession being the lady Anne. This instrument provided also, that should there be a legitimate son of the heir apparent, that son should, on passing his minority, and professing himself a protestant, be entitled to the throne.†

* Parl. Hist. IV. 1303—1305. The first resolution of the house was, that its votes, as well as its other proceedings, should be printed. This was opposed by one speaker as an "appeal to the people;" but another observed, "When former parliaments have been prorogued or dissolved they have been sent away with a declaration against them. If our actions be naught," it was added, "let the world judge of them; if they be good, let them have their virtue." It appeared that incorrect reports, with respect to votes, were frequently printed and circulated for party purposes.—Ibid, 1306—1308. Thanks were also voted to certain cities and boroughs for electing their members without charge.

† Ibid. IV. 1317, *et seq.* This communication was made, according to the

CHAP. VIII.

1681. It is rejected.

These were important concessions. The king now obtained the credit of great moderation, and of an evident concern to secure the peace of the kingdom, and the interests of the established church. But the conduct of Charles had long been such as to give existence to a numerous party, who, if not opposed to his power, were incapable of placing the least confidence in his promises. A course, having the same tendency, had been pursued by Charles the first, and with the same effect; and the policy of concession, which the father resisted until the eleventh hour, was deferred by the son until the same season of necessity. And the parallel holds still further. Proposals, which might have satisfied the popular leaders in an earlier stage of the contest, were now rejected, and the exclusion bill was still insisted on, as affording the only real security to those great interests which the expedient was said to have been framed to protect. This was the judgment of an irresistible majority in the commons at Oxford.* But it soon appeared, that those enlarged views of popular rights, on which that judgment rested, though pretty general in the cities and towns of the kingdom, were little understood by the clergy and gentry, and that huge mass of the people who have always formed their dependants. A strong current of feeling and

policy of the times, by a member having no share in the government, sir Thomas Littleton.

* Sir William Jones opposed the expedient as soon as stated. His argument was, that "it would be less evil or injustice to take away from the duke both the crown and power, than to leave him the name only of both."—Parl. Hist. IV. 1324.

CHAP. VIII. 1681.

activity now began to set on the side of the court. Charles saw that the uncompromising temper of his opponents might be turned to his advantage, and by a refined exercise of his powers of deception, he contrived to effect a sudden dissolution of the parliament, at a moment when he had induced the strongest confidence among its members as to its continuance.*

Parliament dissolved. March 29.

The king's declaration.

The king now published a declaration, purporting to state the reasons of his conduct in dissolving this parliament, and that which had preceded it. The first of these assemblies was said to have presented remonstrances, under the name of addresses; to have declared many excellent persons enemies of the king and kingdom, without sufficient evidence; to have arrested others illegally, under the pretext of privilege; to have impaired the credit and the just rights of the crown, by prohibiting the payment of tallies, or the advancing of anticipations on its revenue; and to have assumed to itself a legislative power, by interfering to prevent the enforcement of the laws against dissenters. The offence of the representatives of the people who met at Oxford, consisted in their presuming to dispute with the upper house on a question of judicature, and in their urging the exclusion bill, notwithstanding the king had de-

* The commons complained that the convocation house in which they were assembled was too strait for them. The king gave instructions that the theatre should be immediately fitted up; and to a late hour of the evening preceding the dissolution "discoursed of the wonderful accommodations the house of commons would find in that place." He literally stole his way into the parliament on the following morning; and having with a single sentence dissolved the assembly, fled from that city to Windsor. — North's Examen. 104, 105.

clared that his assent should never be given to it. Archbishop Sancroft suggested, that this declaration should be read from the pulpits of all the churches and chapels through the kingdom, which was done accordingly. The primate lived to repent this advice, but its immediate effect, together with other circumstances, was to place the country party and the nonconformists almost at the mercy of the men who now began to fill the land with the cry of church and king. The whigs had already shown themselves favourable to a more equitable treatment of the numerous separatists from the established church, especially the presbyterians; and the artful allusion to dissenters in the royal declaration, was meant to apprize the clergy and gentry through the kingdom, that the triumph of the opposition members in parliament, was the probable prelude to that of the sectaries elsewhere. The intimation was not given in vain. The dread of popery was almost lost in the stronger fear, lest this attempt to divert the succession should prove fatal to monarchy, and lest that party which had so often fought the battles of the church against the plottings of papists, should be found to bring her a second time in the dust before the power of a religious democracy.

Reply to the declaration.

An able reply to this declaration was prepared by Algernon Sydney, Mr. (afterwards lord) Somers, and sir William Jones; but this found its way to no parish pulpit, and made but a partial impression on the people. Availing himself of this new position of parties, and especially of an executive, which, in nearly all its departments, was at

CHAP. VIII. 1681.

his disposal, Charles now began a system of aggression on the liberty of the subject, which threatened to proceed much farther than the majority even of his present flatterers would have thought desirable.*

* Kennet, 398. Parl. Hist. IV. App. No. XV.

CHAP. IX.

FROM THE DISSOLUTION OF THE OXFORD PARLIAMENT TO THE DEATH OF THE KING.

TRIAL OF COLLEDGE. — PROSECUTION OF SHAFTESBURY. — INCREASED PREJUDICE AGAINST THE NONCONFORMISTS — THEIR SUFFERINGS. — ARBITRARY PLANS OF THE GOVERNMENT. — SEIZURE OF CORPORATION CHARTERS. — DEATH OF SHAFTESBURY. — THE RYE-HOUSE PLOT. — LORD RUSSELL. — ALGERNON SYDNEY. — DEATH OF THE KING.

CHAP. IX.

1681. Trial of Colledge.

THE new strength of which the monarch now found himself possessed, was first employed against one Stephen Colledge, a carpenter, whose boisterous zeal had attracted the notice of several eminent persons, and procured him the name of the protestant joiner. Four men appeared, who charged him with treasonable speeches and designs, said to have been uttered and entertained during the sitting of the late parliament at Oxford. The witnesses were hacknied in perjury, and the grand jury, refusing to admit their evidence, threw out the bill. The court, however, removed the trial from London to Oxford, and there, to accomplish its object, descended to a course of injustice and meanness, the equal of which will be found to be of very rare occurrence in the history of any people possessing the semblance of freedom. Certain papers which the prisoner had in his possession, with a view to

July 8.

CHAP. IX. 1681.

his defence, were forced from him, and the court adjourned to examine them, and to turn them against him, by ascertaining the points which he meant to plead. He should have had opportunity of noticing the informality of the indictment, and of urging various legal arguments; a copy of the panel should also have been granted him, and his witnesses, in fairness, should have been examined upon oath—but all this was denied. The four men who first swore against him, he proved to be, by their own confessions, unworthy of the least credit. And those witnesses, whose testimony was not to be thus invalidated, deposed to such matters only as should never have cost any man his life, hardly the inconvenience of an arrest. The jury had been carefully packed by the local authorities, and the unprincipled effrontery of Jeffries and North obtained a verdict of guilty. Our "good-natured" monarch, as he is generally called by his semi-apologists, issued instructions that the quarters of this injured man should not be exposed, as required by law. But the untaught mechanic spoke his noble estimate of this mock clemency, by observing that it mattered little to him whether his butchered remains were consumed by flies or worms. Colledge was executed as a traitor a fortnight afterwards.*

Aug 17.

Prosecution of Shaftesbury.

Means of the same description with those which had proved thus fatal to Colledge were next directed against Shaftesbury, but not with the same success. No twelve men in the kingdom, possessing a moderate share of discernment, could possibly

* State Trials, VIII. 549, *et seq.* North, 587—589.

have credited the witnesses brought against him. Through the city the verdict in favour of the prisoner was hailed with the loudest expressions of triumph.* But the court soon recovered the ground, which, in this instance, it appeared to lose. Among the papers found in Shaftesbury's possession, was one containing the project of an association, which, asit intimated, might be formed to preserve the freedom of the constitution, and to effect the exclusion of a popish successor. In this document were the names of many persons, residing in different parts of the kingdom, who were severally classed as the friends or the enemies of the proposed object. This paper was not in the hand-writing of Shaftesbury. But, though no use could be made of it against himself, it was given to the public and made greatly injurious to the cause which its possessor had espoused. The tories became alarmed; many, whose names appeared among the friends of whig politics, came forth with different professions; and Charles employed this favourable moment in accomplishing such removals or appointments in the magistracy, through the kingdom, as promised to render its functionaries more subservient to his designs.†

Increased prejudice against the nonconformists.

The dissenters found themselves exposed to peculiar resentment. They were, as consistency required, the adherents of the whigs; and while they were known to adhere to the political opinions of that party, they were, moreover, set forth as relentless foes of the church. So long as the whig

* State Trials, VIII. 759—842. Coke's Detections, 110, *et seq.*

† State Trials, VIII. 782—787. North, 112. Lingard, XIII. 290—292.

CHAP. IX. 1681.

party continued to advance, the hope of the non-conformists increased. But before the crisis at Oxford some of their more moderate opponents began to share in that jealousy respecting them, which had never ceased to haunt the high church clergy. There were instances in which distinguished men abandoned those more enlightened sentiments which they had once avowed. Stillingfleet published a sermon at this juncture, entitled the Mischief of Separation, which discovered that his liberality had not kept pace with his years. It represented the dissenters as schismatics, and shewed so little sense of the wrongs inflicted on them by their persecutors, as to affirm that they should not only be borne, but borne without a murmur. Baxter, Howe, Owen, and several others, published answers to this discourse, and a characteristic reply was prepared by Locke, some fragments of which have been lately made public.*

* "If it be said," says Locke, "as it is, 'We have the law on our side, our constitution is established by the law of the land, you ought to be of our church, because the civil magistrate commands it;' I know not how short a cut this may be to peace, or rather uniformity; but I am sure it is a great way about, if not quite out of the way to truth; for if the civil magistrates have the power to institute religions, and force men to such ways of worship as they shall think fit to enact, I desire any one, after a survey of the present potentates of the earth, to tell me how it is like to fare with truth and religion, if none be to appear and be owned in the world, but what we receive out of the courts of princes, or senate-houses of the states that govern it. I say not this with any reflection on the present age we live in; but let him, if he please, take any other age recorded in history, and then (if the rulers of the earth were to prescribe the way to heaven, if their laws were to be the standards of truth and religion) let him tell me what advantage it would ever have been to true religion, to subject it to the power of the magistrate; and if princes and potentates are not like for the future to be better informed, or more in love with true religion, than they have been heretofore; if they are not like to be more sincerely concerned for the salvation of their people's souls, than every man himself is for his own, I do not see what reason we

Every where this hostility to the nonconformists was found allied with the spirit of passive obedience in relation to the civil power. An address from the university of Cambridge stated, "that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be

have to expect that these laws should be the likeliest way to support and propagate truth, and make subjects of the kingdom of heaven for the future.

"It is not enough to justify the imposing of ceremonies, because in themselves they are not unlawful; but if by their number or inconvenience they are burdensome, they cannot be justified who impose them.

"I think it is plain that no ceremony devised by man ought to find admittance in the worship of God, even upon pretence of decency and order, unless it, some way or other, conduces also to edification."—Pp. 205, 206.

"* * * * I have been particular to shew what governed those wise and pious reformers in their proceedings at that time; and we may observe all through, that the great difficulty that pressed them, was how they might lessen the ceremonies without lessening their converts; the men they had to do with were, we see, fond and loth to part with them, and therefore they retained as many of them as they could, and added some again in queen Elizabeth's time, which had been disused in king Edward the sixth's time, only to satisfy the people, and as a fit means to hold them in, or bring them over to our communion; whereby they plainly kept close to the rule of the Scriptures, which they had set to themselves, of doing all things for edification, and had here, besides the precept, the command of St. Paul, who became all things to all men, that he might gain some. But is the case so now with us? Have we now any hopes of fresh harvests amongst the papists, and to gain them over to us by the multitude of lawful ceremonies? I fear not; I hear of nobody that after so long an experience to the contrary (and their being now fixed upon quite different fundamentals by the council of Trent), that thinks it now reasonable to expect it. But on the other side, since protestant dissenters are so great a part of the people upon the same principles with us, and agree with us perfectly in doctrine, and are excluded from our communion, not by the desire of more, but by their scruples against many of those ceremonies we have in our church, can any one say that the same reason holds now for their rigorous imposing, that did at the reformation at first for their retaining, where the reformers did not so much contend for, as against ceremonies? I appeal to the doctor himself, whether he thinks that if those wise and worthy men, were now again to have the revising of our liturgy and ceremonies, they would not as well leave out the cross in baptism now (as well as they left it out in confirmation and consecration of the sacramental elements wherein they had once retained it) and as well as they left out several others in use in the ancient church, to comply with the weakness and perhaps mistake of our dissenting brethren, and thereby hold some and gain others to our communion, as well as they retained

CHAP IX. 1681.

so by a fundamental hereditary right of succession, which no religion, no law, no fault, or forfeiture, can alter or diminish; nor shall we abate, "continues this learned body," of our well instructed zeal for the church of England—thus we have learned our own, and thus we teach others their duty to God

several they had no great liking to, only to avoid offending those who by such compliance were more likely to be wrought upon. And of this mind I think every one must be, who will not say that more charity and Christian forbearance, more care and consideration is to be used for the saving the souls of papists than of dissenting protestants.

"Speaking of the obedience required from a rational creature in church government, it is never obedience for obedience sake, since the end God has prescribed of church society, and all the institutions thereof, are for the preservation of order and decency; whatsoever is arbitrarily imposed in the church, no way subservient to that end, is beyond the authority of the imposer; nor can any one be bound by the terms of communion which our Saviour does not allow to be made. This fundamental mistake is the reason, I suppose, why, in this dispute about ceremonies, the champions for conformity speak generally of the church in such manner, as if it had such a divine power, that it need not consider whether any thing were suited to the end for which only its use can be allowed; and therefore this, our mother (whether it be the mark of an indulgent one, I will not say), need not consider whether any thing be fit, and therefore appoint it, but as good as tells us, that she makes it fit by appointing, which, whether God our merciful Father ever does in such cases I much doubt; this I am sure nothing but an infinite Being can do; and, therefore, to make things necessary by an arbitrary power, and continue them as necessary, when the ends are ceased for which they were appointed, is to extend the metaphor of pastors and flocks a little too far, and treat men as if they were brutes in earnest.

"If the doctor can prove that the church has had these last twenty years the same ground for retaining the ceremonies, as it had at the beginning of the reformation, I yield there will be no such reasonable suspicion; but if, that ground ceasing, the ceremonies have been still retained, and no other ground left for many of them, but the will of those that retain them, being once imposed, the argument he brings, that very little has been altered since Edward the sixth's time, will serve only to make such a suspicion more reasonable, since those who keep up the imposition of ceremonies, when the ground they were first imposed on has long before ceased, may for the same reason be suspected to have no other restraint from increasing them, but some accidental hinderance, especially if the prelates of our church practise and countenance more ceremonies than are enjoined, and these new and voluntary additions are understood to be terms of preferment, though the law has not yet made them the terms of communion. But the nonconformists (I believe) will not think the present church of England gets much advantage upon them, or shews much of her condescension by the

and the king."* Charles answered, that a loyalty so acceptable to him was not taught by any church.

The magistrates of Middlesex also presented an address, in which they prayed, among other things, that the laws against conventicles might be strictly enforced, and they were not allowed to pray in vain. Prosecutions of every description ensued, and the whigs could do little to aid their suffering partizans. The great body of the clergy went fully into all this extravagance and severity. Among the very small number who ventured to complain, in any shape, of these proceedings, we have to reckon the author of a work called "The Conformist's Plea for the Nonconformists," which, in a manner alike creditable to the understanding and the feeling of the writer, delivers an honourable testimony to the general character of that people, and to the nature of their claims. "It would fill a volume," says Neal, "to enter into all the particulars of these unchristian proceedings, which even the black registers of the spiritual courts cannot fully unfold. The reverend Mr. Edward Bury, assisting at a private fast, on account of the extraordinary drought, was apprehended and fined 20*l.*; and refusing to pay it, because he

proof the doctor offers, that the present church is not like to increase her ceremonies, because, in Edward the sixth's time, she did review and retrench those of her own appointment; which does only tell us that the church then did more towards a full reformation in two years, than has been done in one hundred years since, viz. review her own constitutions, and retrench the ceremonies as much as the present temper of the people would permit; and though that church and this have the same name of the church of England, yet I imagine that the dissenters think they are under far different churchmen, and do very much doubt whether the conduct of these now, and those then, tend both the same way."—Lord King's Life of Locke, II. 205—208. 210—214.

* Wilkin's Concilia, IV. 607.

CHAP. IX. 1681.

did not preach, they took away his goods, books, and even the bed he lay upon. The reverend Mr. Philip Henry was apprehended at the same time, and fined 40*l.* and for nonpayment they carried away thirty-three loads of corn which lay cut upon the ground, together with hay, coals, and other chattels. The informers took the names of one hundred and fifty more, who were at the meeting: they fined the master of the house 20*l.* and 5*l.* more as being constable that year, and exacted 5*s.* a head from all who were present. Examples of this usage in London, Middlesex, and most of the counties of England, are innumerable. —Mr. Baxter was surprised in his own house by a company of constables and other peace officers, who arrested him for coming within five miles of a corporation, and brought warrants to distrain upon him for five sermons, amounting to 195*l.* They took him out of his bed, to which he had been confined for some time, and were carrying him to jail; but Dr. Cox, the physician, meeting him in his way, went and made oath before a justice of peace, that he could not be removed to prison without danger of his life, so he was permitted to go home again to bed; but the officers rifled his house, took away such books as he had, and sold even the bed from under him. Dr. Annesley, and several other ministers, had their goods distrained for latent convictions; that is, upon the oaths of persons they never saw, nor received summons to answer for themselves before a justice of peace. This was stabbing men in the dark. Some were imprisoned on the corporation

act. The reverend Mr. Vincent was tried and convicted at the Surrey assizes, on the 35th of queen Elizabeth, already mentioned: he lay in prison many months, but was at last released by the intercession of some great men. The dissenting laity were harassed every where in the spiritual courts; warrants were signed for distresses, in the village of Hackney alone, to the sum of 1,460*l.* one of which was 500*l.* The reader will then judge what must have been the case of the interest in general."* And in this state affairs continued to the close of the present reign.

Arbitrary plans of the government.

But the ruler who will play the tyrant should be prepared to counteract the disaffection which his tyranny will provoke. Charles was not insensible that the whigs and presbyterians were a formidable body in most of the corporations through the kingdom. In the recent state trials they had

* Neal, IV. 474, 478. "Often was I (young as I was) sent in those days to Newgate, New Prison, and other places of confinement, with small presents of money to such dissenting ministers as were clapped up, such as Mr. Richard Stretton, Mr. Robert Franklin, &c. who used to talk freely with me, and give me some serious advice and their blessing at parting, with thanks to their benefactors. My own father was never cast into prison, but often had warrants out against him, and was forced to disguise himself, and skulk in private holes and corners, and frequently change his lodgings. And he and Mr. Watson, and Mr. Cooper, and several other ministers, were put into the crown office, and kept there a good while together, which they found very chargeable.

"I used at that time, I well remember, to think it very strange that such men as prayed very heartily for the king and government, and gave their neighbours no disturbance, could not be suffered to live in quiet. Often was I at their most private meetings for worship, and never did I hear them inveigh against those in power, though they were commonly run down as enemies of royalty. But I never was at a meeting, when disturbance was given by justices, informers, constables, and soldiers, more than twice. One time was at Mr. Jenkyn's, in Jewin-street, and the other at Mr. Franklin's, in Bunhill-fields; and in both places they were fierce and noisy, and made great havoc."—Calamy's Historical Account, 1. 88, 89.

CHAP. IX. 1681.

neutralized his power over the decisions of the judges by exerting a similar influence in the appointment of juries. It was the interest of this party in the boroughs and cities that had returned a majority of whig members, even while that larger portion of the people who were under the control of the gentry and clergy, were considerably active on the opposite side. Much had been done at different times since the restoration towards removing this impediment in the way of arbitrary government; but with such partial success that, in prospect of calling another parliament, there was room to fear the effect of that resentment which recent measures had excited in such places. At the same time, to dispense with parliaments altogether could not be regarded as immediately practicable. Even the late tory addresses had generally contained significant allusions to the king's promise about a regular and frequent return of such assemblies. Hence it became the object of the court to extend that influence to juries which already prevailed with the judges; and, while maintaining the use of parliaments, to frustrate their design—converting them into a sort of mask that should rather conceal than exclude the deformities of despotism.

Seizure of the corporation charters.

The present concern of the king and his advisers was to discover pretexts which might enable them to deprive the most powerful corporations of those privileges with regard to the executive and the parliament which had been so inconveniently exercised. London was first assailed, and, by a long course of intrigue and violence, Charles

succeeded in obtaining the nomination of the two sheriffs, and finally possessed himself of its charter, the renewal of which was on the most abject terms. This victory obtained, other bodies were called upon to follow the example of the capital. Resistance was generally considered impolitic, and their charters, when restored, were drawn up in a more aristocratic shape, and secured the next appointment of the mayor and officers to the king. The monarch now flattered himself with possessing a control over every court of judicature in the land, and over the elections, should it be found necessary to assemble another parliament. The last three years in this reign were busily occupied in this work of innovation.

Death of Shaftesbury.

The year in which the city lost its independence Shaftesbury fled to Holland, where the course of events in this country deeply affected his spirits and probably his health. He left the kingdom indisposed, and, six weeks later, breathed his last.

The Rye-house plot.

And it would be well if this were the most painful event connected with the history of the advocates of freedom, through this foreboding period. But who has not heard of Russell and Sydney? In an age when so many humane precautions concur to secure the rights of the meanest subject, it is only by a considerable effort that we can place ourselves in the circumstances of men who, with the most ardent love of liberty, find themselves thrown upon the mercies of lawless power. At this time, the men who had passed their days in senates, raising their voice in the cause of freedom, and of the laws which secured it,

CHAP. IX. 1683.

knew not a moment in which the self-belied depositions of some hireling informer might not lead to their arrest; and, as a natural consequence, to their being hurried before a judge and a jury, alike the passive instruments of the oppressor. Next to Milton's lake of fire, must be the torture of such an existence in the case of such persons. Instead, therefore, of being surprised that there were sanguine men who meditated violent deeds, and that the most virtuous and moderate were disposed to think, and sometimes to speak, on the chances of a struggle, it is rather surprising that these things were not more general, and carried more into overt act.

Lord Russell.

The Rye-house plot, with which the names of the lords Russell and Essex, and that of Algernon Sydney are connected, was made up of two parts. One included a scheme to assassinate the king and the duke of York, to which the distinguished persons above named were no parties. The other consisted in conferences, and, perhaps, correspondence, as to the probable effect of some associated effort, in opposition to the despotic proceedings and intentions of the government. One charge only among those preferred against lord Russell amounted to treason, and that was legally useless, from its depending on a single witness. His condemnation was one of the first fruits of the power acquired by the crown to appoint both the judge and the jury, while acting as prosecutor! *

* State Trials, IX. 578, *et seq.* "On the most severe investigation of the case," says Mr. Phillips, "with most anxious desire to discover the truth, an impartial judge (it is conceived) will feel himself constrained to come to the

1683. Algernon Sydney.

The condemnation of Sydney was flagrantly iniquitous. The only deposition that could have reached his life did not legally affect him, for the reason which applies to the main charge against lord Russell. The use made of a manuscript treatise on government, found in his possession, was worthy of the whole process which led to the sacrifice of these illustrious individuals.* They met their fate with an elevation of mind suited to

conclusion that a case was proved against the prisoner on which the jury would be properly required to exercise their judgment.

" Admitting, however, this to be so, an impartial judge must agree also in thinking that in the course of the trial great injustice was committed. Much bad evidence was received, and persisted in, even after repeated objections. The written declaration ought not to have been admitted, neither ought the conversations between lord Howard and Walcot; still less the conversations between lord Howard and lord Shaftesbury. This mass of hearsay was summed up to the jury by the lord chief justice as being an *inducement* to the account which lord Howard gave concerning the prisoner. An inducement indeed it was, which if believed by the jury (and they were not led to disbelieve it, or to question its truth) would fully establish the existence of a treasonable plot, and could scarcely fail of leading to a conviction. The summing up contained also erroneous statements, which were likely to prove extremely prejudicial to lord Russell, if not fatal."—State Trials Reviewed, II. 58, 59. Life of Lord Russell, II. *ubi supra.*

* " The conduct of the chief justice Jeffries in this case has been universally reprobated. His summing up exhibits a complication of such gross perversions of law as are not to be paralleled in any other state trial on record. To mention only a few particulars:—He declared to the jury, that the hearsay evidence of persons who were strangers to the prisoner was admissible as legal proof of a general conspiracy, and as confirmation of the general narrative of the witnesses—thus attributing to it the utmost possible effect. He held it to be law that if one witness prove an overt act of treason, and another witness prove a circumstance in confirmation of the former (though not itself of a treasonable nature, but perfectly indifferent), there would be two sufficient witnesses to prove the treason. He relied on the conviction of lord Russell as an argument for the conviction of Sydney. To conclude, he laid down in the strongest terms, that the papers found in Sydney's closet were competent and sufficient evidence of the treason charged in the indictment, although those papers were nothing more than a speculative and controversial disquisition on political subjects, written apparently many years before, not relative to the treasonable practices charged in the indictment, and entirely unconnected with any political design."—Phillips, II. 109, 110.

CHAP. IX. 1683.

the greatness of the cause in which they suffered; and we may add, that their life yielded small service to the interests of freedom, compared with what has resulted from their death. The bare mention of their name still kindles the feeling of patriotism; and while our history shall be read, their story will hardly cease to augment and diffuse those generous virtues by which they were animated.

In the present aspect of affairs, there was much that would be peculiarly grateful to the king, and greatly beyond what could have been a short time since anticipated. The whigs had their day of power, but pushing their successes too far, they had now fallen from the condition of victors to that of the vanquished. Yet Charles, though surrounded by so many changes, which were daily opening new prospects to his view, continued to seek his chief pleasure in the society of his mistresses. He died, after an illness of a few days, on the sixth of February, 1685.

Death of the king.

The following account of the manner in which he passed his last Sabbath on earth, is not from the pen of an adversary. "I can never forget the inexpressible luxury and profaneness, gaming, and all dissoluteness, and as it were total forgetfulness of God (it being Sunday evening) which, this day se'nnight, I was witness of, the king sitting and toying with his concubines, Portsmouth, Cleaveland, and Mazarine, &c.; a French boy singing love songs, in that glorious gallery, whilst about twenty of the great courtiers, and other dissolute persons, were at basset round a large table, a bank of at

least 2,000*l.* in gold before them, upon which two gentlemen, who were with me, made reflections with astonishment. Six days after was all in the dust!"*

* Evelyn, III. 137. The account given of the king's death in his brother's memoirs, is in substance as follows: "When the king's life was wholly despaired of, and it was time to prepare for another world, two bishops came to do their function, who, reading the prayers appointed in the common prayer-book on that occasion, when they came to the place where usually they exhort a sick person to make a confession of his sins, the bishop of Bath and Wells, who was one of them, advertised him, *It was not of obligation;* and after a short exhortation asked him, if he was sorry for his sins? which the king saying he was, the bishop pronounced the absolution, and then asked him if he pleased to receive the sacrament? to which the king made no reply; and, being pressed by the bishop several times, gave no other answer but that it was time enough, or that he would think of it. King James says, that he stood all the while by the bedside, and seeing the king would not receive the sacrament from them, and knowing his sentiments, he desired the company to stand a little from the bed, and then asked the king whether he should send for a priest, to which the king replied, 'For God's sake, brother, do, and lose no time.' The duke said he would bring one to him; but none could be found except father Huddleston, who had been so assistant in the king's escape from Worcester. He was brought up a back staircase, and the company were desired to withdraw; but he (the duke of York) not thinking fit that he should be left alone with the king, desired the earl of Bath, a lord of the bedchamber, and the earl of Feversham, captain of the guard, should stay; the rest being gone, father Huddleston was introduced, and administered the sacrament." — Evelyn, III. 130, 131. *Note.* Life of James II. p. 474.

JAMES THE SECOND.

CHAP. I.

FROM THE ACCESSION OF JAMES THE SECOND, TO THE PUBLISHING OF THE DECLARATION FOR LIBERTY OF CONSCIENCE.

ACCESSION OF JAMES THE SECOND.—HE COLLECTS THE REVENUE WITHOUT CONSENT OF PARLIAMENT—AND GOES PUBLICLY TO MASS.—PARLIAMENT—ITS SUBSERVIENCY.—MONMOUTH'S REBELLION—HIS DEATH.—CRUELTIES INFLICTED BY THE MILITARY—BY JEFFRIES—EFFECT OF THOSE PROCEEDINGS.—PARLIAMENT.—ARBITRARY DESIGNS OF THE KING.—OPPOSITION IN PARLIAMENT—IT IS PROROGUED.—REVOCATION OF THE EDICT OF NANTZ.—DISSAFECTION OF THE ESTABLISHED CLERGY.—THE KING'S INSTRUCTIONS WITH REGARD TO PREACHING.—COURT OF ECCLESIASTICAL COMMISSIONERS RESTORED—ITS PROCEEDINGS AGAINST THE BISHOP OF LONDON.—KING'S DECLARATION FOR LIBERTY OF CONSCIENCE.

CHAP. I.

Accession of James the Second. 1685.

NOT long since, James had reason to look on the English sceptre as an object which had passed beyond his reach. He now ascended the throne, not only without opposition, but in circumstances which induced him to hope that his favourite plans, with respect to the civil constitution, and the established religion, might ere long be realized.*

It is true, the new king pledged himself to

* "This prince was above fifty when he came to the throne. He had experience of all kinds, especially of the temper of this nation, and of the impossibility to attempt introducing popery without hazarding his crown. But his experience profited him not: his bigotry drew false conclusions from it; he flattered himself that he should be able to play parties against one another better than his brother had done (which, by the way, was the least of all his little talents); and to complete his designs by an authority which was but too well established."—Bolingbroke on Parties, p. 97.

CHAP. I. 1685.

"defend and support" the established church, and to respect the rights and liberties of the subject to the utmost; and the degree of confidence hitherto placed in his sincerity, rendered this declaration eminently conducive to his popularity at this crisis.* His promise with regard to the established church.

But when the sovereign insisted on the collecting of the revenue, without waiting the consent of parliament; and, what was equally contrary to law, went with his state dignity to mass, the more thoughtful portion of his subjects found it difficult to understand the meaning that should be attached to royal promises.† He collects the revenue without consent of parliament —and goes publicly to mass.

It has been remarked that by this conduct, James displayed at once "his arbitrary disposition and the bigotry of his principles—those two great characteristics of his reign, and bane of his administration."‡ It may be added also, that there is

* Evelyn, III. 134—137. Burnet describes the proclamation of the new sovereign as "a heavy solemnity," adding, that "a dead silence followed it through the streets," and Evelyn speaks of "this sad and not joyful day." But the latter notices the "people's acclamations," and Calamy, who also heard them, was much affected by the thoughtlessness thus evinced. He remarks, that as far as he could observe, they were very general.—Historical Account, I. 116, 117. Burnet was not in England at this time.

On the king's speech to his council, Burnet records, "This gave great content, and the pulpits of England were full of it, and of thanksgiving for it. It was magnified as a security far greater than any that laws could give. The common phrase was, We have now the word of a king, and a word never yet broken."—II. 298.

† The mass referred to was performed "in the oratorie at the duke's lodgings, the doors being set wide open."—Evelyn, III. 139. The following notice relates to the state of things in the last reign, but will show the edifying character of these exhibitions. "I went to see the fopperies of the papists at Somerset house and York house, where now the French ambassador had caused to be represented our blessed Saviour at the pascal supper with his disciples, in figures and puppets made as big as the life, of wax-work, curiously clad, and sitting round a table, the room nobly hung, and shining with innumerable lamps and candles: this was exposed to all the world—all the city came to see it; such liberty had the Roman catholics at this time obtained."—II. 364, 365.

‡ Hume, VIII. 217.

CHAP. I. 1685.

no reign in our history, since that of Henry the eighth, the transactions of which receive so much of their character from the mind of the sovereign. Hence, though most of the persons in office on the death of Charles were for a while retained, the king's chief advisers proved to be his queen, his mistress, and his priests, especially the jesuits; and very often it was not in the power even of these persons to control him.

What course James meant ultimately to pursue, with regard to parliaments, is in some respects uncertain. It is plain that at present he did not consider it expedient to dispense with them entirely. But it is scarcely questionable that this hesitation arose purely from his circumstances, and not at all from his inclination. It was evidently his resolve, that no power in the state should be allowed to give any material interruption to the exercise of his authority, according to his own views of it; and those views were soon ascertained to be of a very dangerous latitude.

A parliament. May 19.

On the meeting of parliament, it appeared that the use made of the Rye-house conspiracy, together with the new modelling of the corporation charters, had placed the elections almost at the disposal of the court. The lower house was chiefly composed of churchmen and tories, who were prepared to concur with almost any scheme that bore the appearance of hostility toward the parties opposed to them.* Submissive, however, as these persons were likely to be, the king was pleased to

* James, on looking over the names of the men chosen, said there were not more than forty to whom he felt any objection. A parliament so constituted must have been more dangerous to liberty than no parliament.

address them in the language of threatening rather than affection. He claimed a settlement of the revenue during his life, as in the case of his predecessor, and observed, "I might use many arguments to enforce this demand; the benefit of trade, the support of the navy, the necessities of the crown, and the well-being of the government itself, which I must not suffer to be precarious; but I am confident that your own consideration, and your sense of what is just and reasonable, will suggest to you whatever on this occasion might be enlarged upon. There is indeed one popular argument, which may be urged, against compliance with my demand; men may think, that by feeding me from time to time with such supplies as they think convenient, they will better secure frequent meetings of parliament; but as this is the first time I speak to you from the throne, I must plainly tell you that such an expedient would be very improper to employ with me; and that the best way to engage me to meet you often, is always to use me well."* The meaning of these intimations clearly was, that parliaments were matters of royal sufferance, to be tolerated while they were submissive, and no longer.

CHAP. I. 1685.

But even this language passed without comment from lords or commons in 1685. Indeed, from the measures adopted by this parliament during the short interval allotted to it, there is too much reason to conclude, that could James have been satisfied with the religion of the church of England, he might have brought back the days

Its subserviency.

* Parl. Hist. IV. 1351—1353.

CHAP. I. 1685.

of Laud and Strafford, and have consolidated the tyranny of those times by acts of the legislature. The commons so far complied with his demand on the question of the revenue, that, with a moderate share of prudence, he might have reigned in independence of his people.*

Monmouth's rebellion. June 13.

But while proceeding with measures of this tendency, the two houses were diverted from their inglorious course by a rebellion which broke out in the western counties, under the direction of the duke of Monmouth, who preferred a claim to the crown. This enterprise was ill advised, feebly arranged, and miserably conducted. The courage displayed by the insurgents at Sedgemoor was worthy of a good cause, and bespoke the deep interest with which they had committed themselves to the struggle. Their failure on that fatal day was not *their* reproach, but resulted partly from the misconduct of the duke, and still more from the cowardice of lord Grey. Monmouth was taken at a considerable distance from the field, disguised as a peasant, exhausted with hunger and

* Parl. Hist. IV. 1354, 1357, 1359. Coke makes the revenue now settled on the king amount to the sum of two millions and a half.—Detection, II. 337. If this computation be at all near the truth, the conduct of this parliament was enough in itself to have destroyed the constitution.

Hume has given a long account of arguments for and against a revenue for life, setting them forth as urged by the opposite parties in the commons. There is not, however, the slightest room to suppose that any such debate occurred. "This misrepresentation of Mr. Hume's is of no small importance, inasmuch as by intimating that such a question could be debated at all, and much more that it was debated with the enlightened views and bold topics of argument with which his genius has supplied him, he gives us a very false notion of the character of the parliament, and of the times which he is describing. It is not improbable, that if the arguments had been used which this historian supposes, the utterer of them would have been expelled or sent to the Tower; and it is certain that he would not have been heard with any degree of attention, or even patience."—Fox's James II. 147.

fatigue, and much depressed by the accumulated weight of his misfortunes. He could not refrain from tears when seized by his pursuers. He flattered himself, notwithstanding the known severity of his uncle's temper, that his life would be spared, and he wrote submissively to James for that object. But on being admitted to the royal presence, he found that the only means of saving himself was to impeach his friends, and his love of life proved to be a less powerful passion than his hatred of such baseness. He was accordingly conducted back to the Tower; and James, regardless of the ties that should have bound him to the dead and the living, signed the warrant for his execution.

CHAP. I. 1685.

Monmouth ascended the scaffold amid the sighs and tears of multitudes. The heads-man was the same who had executed the law on lord Russell, and the duke admonished him to be careful that the stroke should not need repeating, as in the case of that sufferer. But this warning appears to have produced the opposite of the effect intended. The first blow was so ill directed, and so feebly struck, that the duke raised his head, and cast a look of reproof on his torturer. On replacing his neck, more than one stroke was given, and the deed was not done. The trembling man then threw aside his weapon, crying out, that he could not perform his hateful office, but the sheriff insisted on his proceeding, and two more blows completed the separation of the head from the body.

His death.

The conduct of the military and of the judges toward the followers of this unfortunate nobleman,

Cruelties inflicted by the military.

CHAP. I. 1685.

was even more severe than that of the monarch toward their leader. Of these proceedings, the following account is given by Hume, who will not be suspected of bestowing an unfriendly colouring on the character or the administration of a Stuart sovereign. "Such arbitrary principles had the court instilled into all its servants, that Feversham, immediately after the victory, hanged above twenty prisoners, and was proceeding in his executions, when the bishop of Bath and Wells warned him that these unhappy men were now, by law, entitled to a trial, and that their execution would be deemed a real murder. This remonstrance, however, did not stop the savage nature of colonel Kirke, a soldier of fortune, who had long served at Tangiers, and had contracted, from his intercourse with the Moors, an inhumanity less known in European and in free countries. At his first entry into Bridgewater, he hanged nineteen persons, without the least inquiry into the merits of their cause. As if to make sport with death, he ordered a certain number to be executed, while he and his company should drink the king's health, or the queen's, or that of chief-justice Jeffries. Observing their feet quiver in the agonies of death, he cried, that he would give them music to their dancing, and he immediately commanded the drums to beat, and the trumpets to sound. By way of experiment, he ordered one man to be hung up three times, questioning him at each interval whether he repented of his crime; but the man obstinately asserting, that, notwithstanding the past, he still would willingly engage in the same

cause, Kirke ordered him to be hung in chains. One story, commonly told of him, is memorable for the treachery, as well as barbarity, which attended it. A young maid pleaded for the life of her brother, and flung herself at Kirke's feet, armed with all the charms which beauty and innocence, bathed in tears, could bestow upon her. The tyrant was inflamed with desire, not softened into love or clemency. He promised to grant her request, provided that she, in her turn, would be equally compliant to him. The maid yielded to the conditions; but after she had passed the night with him, the wanton savage, the next morning, showed her, from the window, her brother, the darling object for whom she had sacrificed her virtue, hanging on a gibbet, which he had secretly ordered to be there erected for the execution. Rage, and despair, and indignation, took possession of her mind, and deprived her for ever of her senses. All the inhabitants of that country, innocent as well as guilty, were exposed to the ravages of this barbarian. The soldiery were let loose, to live at free quarters; and his own regiment, instructed by his example, and encouraged by his exhortations, distinguished themselves in a particular manner by their outrages. By way of pleasantry, he used to call them *his lambs;* an appellation which was long remembered with horror in the west of England.

Conduct of Jeffries.

"The violent Jeffries succeeded after some interval, and showed the people, that the rigours of law might equal, if not exceed, the ravages of military tyranny. This man, who wantoned in

CHAP. I. 1685.

cruelty, had already given a specimen of his character in many trials where he presided; and he now set out with a savage joy, as to a full harvest of death and destruction. He began at Dorchester; and thirty rebels being arraigned, he exhorted them, but in vain, to save him, by their free confession, the trouble of trying them: and when twenty-nine of them were found guilty, he ordered them, as an additional punishment of their disobedience, to be led to immediate execution. Most of the other prisoners, terrified with this example, pleaded guilty; and no less than two hundred and ninety-two received sentence at Dorchester. Of these, eighty were executed. Exeter was the next stage of his cruelty; two hundred and forty-three were there tried, of whom a great number were condemned and executed. He also opened his commission at Taunton and Wells, and every where carried consternation along with him. The juries were so struck with his menaces, that they gave their verdict with precipitation; and many innocent persons, it is said, were involved with the guilty. And on the whole, besides those who were butchered by the military commanders, two hundred and fifty-one are computed to have fallen by the hand of justice. The whole country was strewed with the heads and limbs of traitors. Every village, almost, beheld the dead carcass of a wretched inhabitant. And all the rigours of justice, unabated by any appearance of clemency, were fully displayed to the people by the inhuman Jeffries.

"Of all the executions during this dismal period,

the most remarkable were those of Mrs. Gaunt, and lady Lisle, who had been accused of harbouring traitors. Mrs. Gaunt was an anabaptist, noted for her beneficence, which she extended to persons of all professions and persuasions. One of the rebels, knowing her humane disposition, had recourse to her in his distress, and was concealed by her. Hearing of the proclamation, which offered an indemnity and rewards to such as discovered criminals, he betrayed his benefactress, and bore evidence against her. He received a pardon as a recompense for his treachery; she was burned alive for her charity.

"Lady Lisle was widow of one of the regicides who had enjoyed great favour and authority under Cromwell, and who having fled, after the restoration, to Lausanne, in Switzerland, was there assassinated by three Irish ruffians, who hoped to make their fortune by this piece of service. His widow was now prosecuted for harbouring two rebels the day after the battle of Sedgemoor, and Jeffries pushed on the trial with unrelenting violence. In vain did the aged prisoner plead that these criminals had been put into no proclamation; had been convicted by no verdict, nor could any man be denominated a traitor, till the sentence of some legal court was passed upon him; that it appeared not, by any proof, that she was so much as acquainted with the guilt of the persons, or had heard of their joining the rebellion of Monmouth; that though she might be obnoxious on account of her family, it was well known that her heart was ever loyal, and that no person in England had shed more

CHAP. I. 1685.

tears for that tragical event, in which her husband had unfortunately borne too great a share; and that the same principles, which she herself had ever embraced, she had carefully instilled into her son; and had, at that very time, sent him to fight against those rebels whom she was now accused of harbouring. Though these arguments did not move Jeffries, they had influence on the jury. Twice they seemed inclined to bring in a favourable verdict: they were as often sent back with menaces and reproaches; and, at last, were constrained to give sentence against the prisoner. Notwithstanding all applications for pardon, the cruel sentence was executed. The king said, that he had given Jeffries a promise not to pardon her; an excuse which could serve only to aggravate the blame against himself.*

"It might have been hoped, that, by all these bloody executions, a rebellion, so precipitate, so ill supported, and of such short duration, would have been sufficiently expiated; but nothing could satiate the spirit of rigour which possessed the administration. Even those multitudes who received pardon, were obliged to atone for their guilt by fines, which reduced them to beggary, or where their former poverty made them incapable of paying, they were condemned to cruel whippings, or severe imprisonments. Nor could the innocent escape the hands, no less rapacious than cruel, of

* See a luminous statement as to the illegality of these proceedings, in Phillips' State Trials Reviewed, II. 165—216. Of Mrs. Gaunt this writer remarks, "This unfortunate woman was tried, convicted, and burnt to death, without the least regard to law or justice. The charge against her was not proved; there was not even a *primâ facie* case fit to be submitted to a jury for their consideration."—P. 213.

the chief justice. Prideaux, a gentleman of Devonshire, being thrown into prison, and dreading the severe and arbitrary spirit, which at that time met with no controul, was obliged to buy his liberty of Jeffries at the price 15,000*l.* though he could never so much as learn the crime of which he was accused.

1685.

Effect of these proceedings.

This ill-fated enterprise had afforded a plea for raising a considerable army, and the success of the new sovereign against his rival, had it been managed with ordinary discretion, might have conduced to a material enlargement of his power. But these arbitrary cruelties exposed the court and its instruments to the indignation of every humane bosom. The sufferers generally met their fate with the constancy of martyrs, while the men—if such they may be called—whose revenge fell so bitterly upon them, were careful to give out, and no doubt with truth, that these atrocious proceedings were no other than had been prescribed to them by the monarch. James confirmed this odious imputation by immediately raising Jeffries to a peerage, and afterwards to the dignity of chancellor. But strong as the disaffection produced by these occurrences certainly was, the horror inspired by them served to check an expression of it. The king, in consequence, became more fearless in his plans, at a moment when it behoved him to proceed with the greatest caution.*

* Yet there was much in the speculative opinions, and even in the conduct of his opponents, to aid the work of delusion. "It was for many years together," says De Foe, "and I am witness to it, that the pulpit sounded nothing but the duty of absolute submission, obedience without reserve, subjection to princes, as God's vicegerents, accountable to none, to be with-

CHAP. 1.

1685. Parliament. Nov. 9.

It was in this state of mind that James met the two houses at the opening of their second session. Having congratulated them on the total suppression of the late rebellion, he adds, "But when we reflect what an inconsiderable number of men began it, and how long they carried it on without any opposition, I hope every body will be convinced that the militia, which hath hitherto been so much depended on, is not sufficient for such occasions, and that there is nothing but a good force of well-disciplined troops in constant pay, that can defend us from such as, either at home or abroad, are disposed to disturb us; and, in truth, my concern for the peace and quiet of my subjects, as well as for the safety of the government, made me think it necessary to increase the number to the proportion I have done: this I owed as well to the honour as the security of the nation, whose reputation was so infinitely exposed to all our neighbours by having so evidently lain open to this late wretched attempt, that it is not to be repaired without keeping such a body of men on foot, that none may ever have the thought of finding us again so miserably unprovided. It is for the support of this great charge, which is now more than double to what it was, that I ask your assistance in giving me

Arbitrary designs of the king.

stood in nothing, and by no person. I have heard it publicly preached, that if the king demanded my head, and sent his messengers to fetch it, I was bound to submit, and stand still while it was cut off. I forbear to repeat the foolish extravagances that these things ran up to; there are too many books still extant of the same kind. Let any man but read a few of L'Estrange's Observators, Tolcration Discussed, Thompson's Rule of Allegiance, The History of Divine Right, and many other volumes of that age, and particularly the addresses of the corporations, &c. in those days, called loyal—but the thing was a cheat, and the king fell into the snare."—Wilson's De Foe, I. 118, 119.

a supply answerable to the expenses it brings along with it; and I cannot doubt but what I have begun, so much for the honour and defence of the kingdom, will be continued by you with all the cheerfulness and readiness that is requisite for a work of so great importance. CHAP. 1. 1685.

"Let no man take exception that there are some officers in the army not qualified, according to the late tests, for their employments. The gentlemen, I must tell you, are most of them well known to me, and having formerly served with me on several occasions, and always approved the loyalty of their principles by their practice, I think them now fit to be employed under me. And I will deal plainly with you, that, after having had the benefit of their service in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me."*

Opposition in parliament.

Thus the innovations proposed by the sovereign related to the two points which were most likely to call forth the opposition of his subjects—the introduction of a standing army, and an abolition of the Test Act. The debate occasioned by this speech is the only chapter in our parliamentary history, under James the second, that may be read by an Englishman without a sense of degradation. It is possible that the king's proposal as to the army would not have been wholly unsuccessful, had it stood apart from his avowed determination to violate the law for the purpose of intrusting catholics with responsible offices. But the two measures,

* Parl. Hist. IV. 1367—1371.

CHAP. I. 1685.

and the imperative terms in which both were adverted to, could not well fail to spread alarm among the devotees of the established church, and thus to afford the friends of liberty an opportunity of causing their voice to be once more heard in behalf of their country. The Test Act was proclaimed as the bulwark of the church of England, and it could no longer be doubted that an invasion of her pretensions was the first use that would be made of the projected military power. An address was presented by the commons, which was meant to deprecate these measures; but though its language was singularly tame and indefinite, the resentment of James on receiving it was such as to confirm the darkest forebodings of its authors.* The supply demanded by the king was 1,200,000*l.* The more suspicious members of the house would not have voted a sixth part of that amount; but a majority was at length obtained on a vote of 700,000*l.* to be paid in nine years and a half. This sum, if procured without conditions, would have enabled the king to do much toward accomplishing his plans.

But at this juncture the lords began to share in the jealousy which had become observable in the proceedings of the commons. Though they had already voted thanks to the king for his speech, they now thought proper to appoint a day for the

* When the king's angry reply was read in the house, there was "a profound silence for some time." It was at length moved that a day might be appointed to consider of an address to his majesty's answer: Mr. Coke rose to second the proposal, and said, "I hope we are all Englishmen, and not to be frightened out of our duty by a few high words." For this saying the house committed him to the Tower!—See the Note, p. 482 of this volume.

purpose of considering it anew, the bishops distinguishing themselves by their opposition to the measures of the court. "Alarmed at this unexpected attack, the courtiers endeavoured to stave it off by urging, that having already given thanks for the speech, they had thereby adopted the sentiments contained in it, and precluded themselves from finding fault with any part of it. This plea was, however, rejected with indignation, and put an end, said Bishop Burnet, to the compliment of giving thanks for a speech, when there was no special reason for it. The lords Hallifax, Nottingham, and Mordaunt, were the chief speakers; for as to the bishops, they acquiesced in what his lordship of London was pleased to say for them; and though the point before them was only for setting a day, many things, we are told, escaped in relation to the merits of the case—as that the Test was now the best fence they had for their religion; if they gave up so great a point, all the rest would soon follow; and if the king might, by his authority, supersede such a law, fortified with so many clauses, and, above all, with that of an incapacity, it was in vain to think of law any more. The government would become arbitrary and absolute. All which, it seems, Jeffries undertook to answer, and that in as haughty and arrogant a tone as he had used himself to on the bench. But he was soon taught to know his place, and that frowns, and noise, and menaces would not pass for arguments there. Upon the whole, the court party finding themselves outnumbered, as well as out-argued, were forced to give way, and it was agreed that on the twenty-

CHAP. I. 1685.

third the speech should be taken into consideration.*

James was present during this discussion, and much displeased with its freedom. It was now manifest that neither house would be at his service, so long as his present opposition to the Test Act should be continued. And as it did not comport with the temper of the monarch, or with his notions of regal greatness, to retrace his steps, he suddenly prorogued the parliament. By this measure, the supply which had been voted, but which had not properly passed the house, was abandoned, and the king threw himself upon his own resources.

Parliament prorogued. Nov. 20.

During a year and a half, the meeting of the houses was deferred by successive prorogations. It was evident from this policy, that they were not considered sufficiently subservient, and it was equally certain that a more obsequious assembly could not be convened. The general conclusion accordingly was, that James, aided by his revenue and his troops, had determined to govern after the example of his father, during the memorable interval from 1629 to 1640. The suspicions and disgusts which were thus excited, reached to all parties, excepting the persons who were "popishly inclined;" and to the more reflecting, even among that body, the rashness of the monarch's proceedings was a subject of unfeigned apprehension and regret. There was much, however, in the conduct of the leading catholics, which tended to fix the suspicions of the people. The appointment

* Parl. Hist. IV. 1371—1386. Ralph and Echard.

of such persons to military offices, was soon followed by their introduction into the cabinet. This honour was accepted by the lords Powis, Arundel, Bellasis, and Dover.

Revocation of the edict of Nantz.

There was an event also, connected with this crisis, which served to render the catholic faith, and these arrangements in favour of its professors, particularly obnoxious. "Louis the fourteenth, having long harassed and molested the protestants, at last revoked entirely the edict of Nantz, which had been enacted by Henry the fourth, for securing them the free exercise of their religion, which had been declared irrevocable, and which, during the experience of nearly a century, had been attended with no sensible inconvenience. All the iniquities inseparable from persecution were exercised against those unhappy religionists, who became obstinate in proportion to the oppressions which they suffered, and either covered under a feigned conversion a more violent abhorrence of the catholic communion, or sought among foreign nations for that liberty of which they were bereaved in their native country. Above half a million of the most useful and industrious subjects deserted France; and exported, together with immense sums of money, those arts and manufactures which had chiefly tended to enrich that kingdom."* The accounts diffused by these exiles, with respect to the injustice and cruelty of their oppressors, served to strengthen the resentment of protestants throughout Europe against the adherents of the catholic faith. Not less than fifty thousand of the

* Hume, VIII. 243.

CHAP. I. 1685.

Huguenots took refuge in this country, and few were the men who listened to the story of their injuries, without concluding that if similar scenes should continue to be unknown in England, the failure would not be from the want of inclination, or of determined effort, on the part of the king. It was natural to ask, if such consequences had resulted from the nature of the catholic religion in the case of such a professor as Louis the fourteenth, what evil might not be expected from it in the case of James, so much the inferior of that prince in prudence and humanity? Nor was it of any avail, that the English monarch professed to disapprove the conduct of Louis, or even that he extended his protection to the exiles. Every pretension to a love of toleration, was not only judged to be inconsistent with his creed, but was known to be at variance with his temper and his conduct, except when controlled by some insidious motive.*

Disaffection of the established clergy.

James was not insensible that his triumph over the party who would have excluded him from the throne, was owing mainly to that portion of his subjects, of whom the established clergy may be said to have been the leaders. The readiness, however, with which he now forgot his obligations

* Calamy's Historical Account, I. 122—125. "The French court proceeded at last to make use of dragoons, exile, dungeons, fire and sword, and a thousand unheard-of cruelties, to force them to embrace a worship which they looked upon not only as superstitious, but idolatrous; and after all, had the front to declare in all quarters, that no other methods but those of gentleness and love had been made use of towards the reformed."—See Mons. Claude's "Short Account of the Complaints and cruel Persecutions of the Protestants in the Kingdom of France." This work was translated and printed in this country in 1686, and James betrayed his temper on this subject, by procuring it to be burnt, and the translator and printer to be imprisoned and ruined.—Evelyn, III. 208. The character of Claude leaves but one conclusion to be deduced from this proceeding.

to that influential order, in consequence of his exclusive attachment to another faith, converted its members into enemies, or, at best, into very uncertain friends.

The king's instructions with respect to preaching.

Since the commencement of the reformation, the sovereign and his council had frequently interfered to regulate the exercises of the pulpit, especially in seasons of public excitement. Instructions were now issued, with a view to prevent public discussions on the points in debate between the churches of England and Rome. But though addressed to the preachers of passive obedience, it was notorious that these royal mandates were almost every where violated.* Sharp, a clergyman in London, who had distinguished himself by his adulation of the new sovereign on his accession, now became still more conspicuous by his disobedience in the matter to which the king's instructions related. His diocesan received a command from the king to punish the refractory divine with immediate suspension. The prelate, however, ventured to suggest, in very submissive terms, that the law did not authorize him to inflict the penalty named, in so summary a manner as the mandate

* "The ministers of the established church," says Dr. D'Oyley, "were not to be restrained from doing their duty, on points where conscientious feeling was so deeply concerned, by authority to which, in such a matter, they could not defer."—Life of Sancroft, I. 220. To this it has been justly replied, that "the same privilege of exercising their conscientious scruples had been denied by these same men to their nonconforming brethren, upon a similar occasion, and the reward of their disobedience was, to be confined with felons. But consistency was not to be expected from men who had bartered away the liberties of their country, in exchange for an ecclesiastical despotism, of which they were the grand depositaries. The credit assigned to them for their resistance of the royal mandate, would have been better earned, if they had not foreclosed themselves by their previous conduct."—Wilson's Life of De Foe, I. 121, 122. Evelyn, III. 199.

CHAP. I. 1686.

required. With the monarch, obstructions of this nature were always peculiarly irritating, and he now resolved on an expedient to render the canons of the church of as little avail, where found to be inconvenient, as were the laws of the state.

Court of ecclesiastical commission restored.

His plan was to choose seven persons, who should be vested with the full authority of that court of high commission, whose jurisdiction had been, from the accession of Elizabeth to the meeting of the long parliament, so pre-eminently injurious to the liberties of the nation. Nor should it be overlooked, that while the former court was founded on a series of commissions, every one of which professed to respect the laws of the land, the present tribunal was to perform its inquisitorial labours, "any law or statute to the contrary notwithstanding." *

July 14.

Its proceedings against the bishop of London.

The first victim selected by the commissioners, was the bishop of London. This prelate denied the authority of the court, and claimed to be tried before the ecclesiastical power, that being the only authority to which, in such cases, he was accountable. He observed, however, that to condemn a man without trial, as he had been summoned to do by the king's mandate, could not be agreeable either to law or equity; that he had stated thus much in a petition to the sovereign, and receiving no answer, had supposed that his reasons were admitted in vindication of his conduct; that he had virtually obeyed his majesty's command, by advising Sharp to abstain from further preaching, until the charge against him

* History of King James's Ecclesiastical Commission. Evelyn, III. 213.

should be examined; and that both the accused party and himself were willing to solicit pardon on account of any wrong that should be proved against them. But James had determined to render his new court a medium of intimidation, and in obedience to his pleasure a majority of the commissioners sentenced the offending preacher and his diocesan to be suspended from the exercise of their functions.*

The king's declaration for liberty of conscience.

But amid these acts of tyranny, which the whole temper of the government threatened to make of very frequent occurrence, the monarch did not hesitate to proclaim himself the patron of liberty of conscience. It was said to be from a sincere wish, that all his subjects should enjoy this liberty, that he now issued a declaration which at once made void all the statutes that had been framed to secure uniformity of worship. It will be remembered, that an instrument of this nature was put forth by Charles in 1662, and another ten years later. Both, however, were violently opposed by the more zealous churchmen in parliament, and in consequence of that opposition both were withdrawn. Opposed to these recent and memorable facts, connected with the doctrine of the power of the crown to dispense with the statutes of the realm, were some instances adduced by lawyers, in which a similar power had been exercised by our princes, sometimes having respect to particular statutes in favour of particular persons, and sometimes amounting to the entire suspension of a law. But these instances, when

* State Trials, XI. 1156—1166.

CHAP. I. 1686.

considered in themselves, and especially in their circumstances, failed to supply an example of the course now pursued by the king. Had they been far better adapted to the evil purpose for which they were brought forward, no reasoning could have persuaded, and we may add, no reasoning ought to have persuaded, the English people that there was a power properly vested in the sovereign, which, at the pleasure of a single will, might demolish the most elaborate workmanship of the constitution. In the unsophisticated judgment of the people, to suspend was virtually to repeal, and to repeal was not a less exercise of authority than to enact. Hence the present conduct of the king was regarded as nothing less than an assumption of legislative power—an act, in short, which reduced the whole constitution to a mere name.*

* Parl. Hist. IV. 1388, 1389.

CHAP. II.

FROM THE DECLARATION FOR LIBERTY OF CONSCIENCE TO THE REVOLUTION.

TREATMENT OF THE NONCONFORMISTS BEFORE THE APPEARANCE OF THE DECLARATION FOR LIBERTY OF CONSCIENCE. — PROSECUTION OF BAXTER. — CONDUCT OF THE PROTESTANT DISSENTERS WITH REGARD TO THE KING'S DECLARATION. — ADVANCES OF POPERY — OPPOSED AT CAMBRIDGE — AND AT OXFORD. — CONDUCT OF THE SEVEN BISHOPS. — PERPLEXITY OF JAMES — HE RESOLVES ON THEIR PROSECUTION — THEIR TRIAL — ACQUITTAL. — STATE OF THE KING'S AFFAIRS. — LANDING OF THE PRINCE OF ORANGE. — THE REVOLUTION OF 1688.

CHAP. II.

1686. Declaration respecting liberty of conscience — treatment of the nonconformists before its publication.

No men were more alive to the dangerous tendency of the dispensing power than the established clergy, now that its bearings were so directly against themselves; and as the king could devise no other means by which to forward his purposes, it became his policy, from this time, to conciliate the nonconformists. Hitherto this party had served as a peace-offering to the intolerance of the established church, and were exposed to all the rigour of the laws enacted against them. James hated these people, not only on account of their protestantism, but in consequence of their well-known attachment to the popular forms of civil government. It was not unreasonable, however, to suppose, that men, who had been so long and so cruelly oppressed, would be ready to avail themselves of liberty, though extended to them

CHAP. II. 1686.

through a channel which those among them accustomed to reflection must have regarded as illegal and dangerous.

May 27.

A grand committee of the parliament assembled on the king's accession, had recommended that the laws against dissenters should be more strictly enforced, and the effect was, that informations, fines, and imprisonments, were found attendant on the practice of nonconformity through the kingdom.* The proscribed ministers consulted their

* This committee adopted two resolutions: 1. That the house should stand by his majesty, for the support and defence of the reformed religion of the church of England, as now by law established. 2. That the house be moved to make an humble address to his majesty, to publish his royal proclamation for putting the laws in execution against all dissenters whatsoever from the church of England. The previous question was carried on both points, and the unanimous resolution of the house was, to "rest wholly satisfied in his majesty's gracious word and repeated declaration, to support and defend the religion of the church of England, as it is now by law established." Mr. Fox gives the following explanation of this proceeding: "Mr. Echard and bishop Kennett, two writers of different principles, but both churchmen, assign as the motive of this vote, the unwillingness of the party then prevalent in parliament to adopt severe measures against dissenters; but in this notion they are by no means supported by the account, imperfect as it is, which sir John Reresby gives of the debate; for he makes no mention of tenderness towards dissenters, but states, as the chief argument against agreeing with the committee, that it might excite a jealousy of the king; and Barillon expressly says, that the first vote gave great offence to the king, still more to the queen, and that orders were in consequence issued to the court members of the house of commons to devise some means to get rid of it. The probability seems to be, that the motion in the committee had been suggested by some whig member, who could not with prudence speak his real sentiments openly, and who thought to embarrass the government by touching upon a matter where the union between the church party and the king would be put to the severest test. The zeal of the tories for persecution made them at first give into the snare; but when, upon reflection, it occurred that the involving of the catholics in one common danger with the protestant dissenters, must be displeasing to the king, they drew back without delay, and passed the most comprehensive vote of confidence which James could desire."—See Fox's James II. 151; and Parl. Hist. IV. 1357, 1358. Dr. Lingard states, that on the accession of James, "the dissenters enjoyed a respite from persecution" (XIV. 13); and the statement is partly correct, as applied to the quakers, and wholly so as applied to catholics, who were a sort of dissenters; but it is far from the truth, if understood with reference

safety, by never appearing abroad, except in disguise, and every conceivable precaution was resorted to, with a view to keep their secret meetings with their people from the knowledge of their persecutors, or in the hope of conducting them so as to avoid the penalties with which they were threatened. These expedients, however, were too often without effect. "They continued," says Neal, "to take the most prudent measures to cover their private meetings from their adversaries. They assembled in small numbers; they frequently shifted their places of worship, and met together late in the evenings, or early in the mornings; there were friends without doors, always on the watch to give notice of approaching danger. When the dwellings of dissenters joined, they made windows or holes in the walls, that the preacher's voice might be heard in two or three houses; they had sometimes private passages from one house to another, and trap-doors for the escape of the minister, who went always in disguise, except when he was discharging his office in country towns or villages; they were admitted through back yards or gardens into the house, to avoid the observations of neighbours and passengers; for the same reasons they never sung psalms, and the minister was placed in such an inward part of the house, that his voice might not be heard in the streets; the doors were always locked, and

to the nonconformists in general. Men who dared not enforce the laws of intolerance against catholics, knew too well that they were at liberty to execute them on their protestant brethren. The source of this new burst of intolerance on the part of the established church was the foolish confidence reposed in the king's promises of protection and support.

CHAP. II. 1686.

a centinel placed near them to give the alarm, that the preacher might escape by some private passage, with as many of the congregation as could avoid the informers. But notwithstanding all their precautions, spies and false brethren crept in among them in disguise, their assemblies were frequently interrupted, and great sums of money raised by fines or compositions, to the discouragement of trade and industry, and enriching the officers of the spiritual courts."*

Prosecution of Baxter.

Baxter was one of the earliest sufferers from the storm which broke, with increased violence, upon the nonconformists on the death of the late king. In a paraphrase on the New Testament, this divine had ventured to oppose the notion of a diocesan episcopacy, and had even presumed to vindicate a resistance of the civil powers in certain possible cases. These passages were now urged against him in a court where Jeffries appeared as judge. It would be unjust to insinuate that the conduct of this minister of vengeance should be taken as a specimen of the treatment to which dissenters in general were exposed, when brought before magistrates and rulers. But on the other hand, it would be no less unfair to omit the fact, that the insolence and tyranny of this ruffian arbitrator, were not unfrequently imitated by those tory and clerical authorities, before which the most devout and peaceful nonconformists had often to make their appearance.

May 30.

In this case, the aged prisoner pleaded indisposition, and moved that further time might be

* History of the Puritans, V. 11, 12.

granted him. Jeffries answered, that if his life depended on it, not a moment should be allowed; and was pleased to add, "Yonder stands Oates in the pillory, and if Mr. Baxter stood on the other side, I would say, two of the greatest rogues in England stood there." It was thought proper also, that the prisoner's counsel should not be suffered to plead for him, and equally proper that he should not be suffered to plead for himself. Baxter is generally admitted to have been one of the most upright and holy men this country has produced, yet was he assailed by this unjust judge in such language as the following: "Richard, Richard, don't thou think we will hear thee poison the court. Richard, thou art an old fellow, and an old knave; thou hast written books enough to load a cart, every one as full of sedition, I might say of treason, as an egg is full of meat. Hadst thou been whipped out of thy writing-trade forty years ago, it had been happy. Thou pretendest to be a preacher of the gospel of peace; as thou hast one foot in the grave, 'tis time for thee to begin to think what account thou intendest to give; but leave thee to thyself, and I see thou wilt go on as thou hast begun, but, by the grace of God, I will look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty don, and a doctor of the party (Dr. Bates) at your elbow; but, by the grace of Almighty God, I will crush you all." The jury, in obedience to the instructions given them, returned a verdict of guilty, and Baxter remained

CHAP. II. 1686.

CHAP. II. 1686.

two years in prison, until the court found it expedient to change its policy, and learnt to flatter the people whom it had thus wantonly persecuted.*

Conduct of the dissenters with regard to the king's declaration.

It is said, that when the king published his declaration for liberty of conscience, "the dissenters every where expressed a most entire compliance with his measures."† But it would have been more correct to have stated that they manifested a general willingness to avail themselves of *this* measure. It is true that some of them proceeded so far as publicly to thank his majesty for what he had done, but the greater number were, from the first, suspicious of an under-plot, and disposed to look on the new course of affairs, as calling less for exultation than for watchfulness. In the dearth of public virtue which characterized the age of the two last Stuarts, it would have been gratifying to have found the nonconformists possessing so much of that disinterested patriotism, and of that christian temper which returns good for evil, as would have led them to reject a liberty so doubtfully extended to them, and have induced them to take their place beside their old persecutors—the tories and churchmen, who were now waging a defensive war against the ecclesiastical encroachments of the crown. But to expect that a large body of men should be altogether animated by this

* State Trials, XI. 494. "Though the maxims of toleration had been continually in his mouth, James did not hesitate to propitiate the church of England with the most acceptable sacrifice, the persecution of the nonconformist ministers. He looked upon the dissenters as men of republican principles; and if he could have made his bargain for the free exercise of the catholic worship, I see no reason to doubt that he would never have announced his indulgence to tender consciences."—Hallam, II. 399.

† Hume.

singular elevation of sentiment would be to betray a strange ignorance of our imperfect nature.*

Had the nonconformists been capable of confiding in the professions made by the sovereign, when sending forth this declaration, the course of events must soon have undeceived them. The manner in which affairs were conducted in Ireland and Scotland, and in which the most responsible offices of state were disposed of in this country, taught them to expect that attempts would soon be made to thrust the professors of the king's religion into the church and the universities. Toleration should never be denied, except where the conceding of it would be manifestly dangerous, and as the English catholics were not more than a hundredth part of the people, there was something to be said for the principle, and still more for the expediency of allowing the innovations adverted to, or of granting a toleration that should extend equally to the protestant and the catholic. But, on this subject, men had long been accustomed to reason from their passions more than from principles, or from the most

* Burnet relates, that in consequence of this altered policy on the part of the court, "some of the dissenters grew insolent; but wiser men among them perceived the design of the papists was now to set on the dissenters against the church; and therefore, though they returned to their conventicles, yet they had a just jealousy of all the designs that lay hid under all this sudden and unexpected show of grace and kindness; and they took care not to provoke the church party." It is in the following terms that one of these people, who was also a witness of what he records, adverts to this aspect of affairs: "Was ever any thing more absurd than this conduct of king James and his party, in wheedling the dissenters; giving them liberty of conscience by his own arbitrary dispensing authority; and his expecting that they should be content with their religious liberty, at the price of their constitution?—a thing, though a few were deluded with, yet the body of dissenters soon saw through."—De Foe, Wilson's Life, I. 124. Welwood gives a vivid picture of the forward practices and the sanguine speeches of the catholics at this time.—Memoirs, p. 150.

CHAP. II. 1686.

instructive facts; and it was not improbable that, when the effort to endow catholic teachers with the emoluments of a protestant establishment should be openly made, the theory of non-resistance would be practically disowned, and that both churchmen and sectaries would learn to concentrate their opposition against popery as the common enemy.

Advances of popery.

James commenced his attack on the protestant character of the universities, and of the hierarchy, in the second year of his reign; but it was conducted with so much secrecy as to avoid observation. Massey, one of the late converts to the religion of the sovereign, was made dean of Christchurch, and with a dispensation as to the protestant requisitions connected with that foundation, which broke through all its securities on that point. The nature of this transaction does not appear to have been accurately known before the middle of the last century, when the instrument relating to it was first published. A similar dispensation was granted to Walker, master of university college, and to several resident fellows; and one to a clergyman, named Sclater, who was curate of Putney, and rector of Esher. It would, however, have been ill policy in these persons to have been very loquacious, at least for a time, with respect to these unlawful exemptions.*

Opposed at Cambridge.

The first check given to these insidious movements, was by the university of Cambridge. James

* Henry Earl of Clarendon's Papers, II. 278. Hallam, II. 409, 410. James remarked with exultation to Barillon, the French ambassador, that God had suffered all the laws enacted against the Romish faith to become the means of its reestablishment. This was when setting up his new court of high commission.—Mazure, II. 130.

required that body to confer the degree of master of arts on a benedictine, named Francis, which was refused. It was not denied that this distinction had been conferred on persons irrespective of their religious creed, but it was contended that the persons thus honoured were foreigners, and not likely to disturb the proceedings of the university by any factious exercise of their privilege, in relation to its elections and statutes. The king obliged these refractory authorities to appear before his court of commissioners, and the vice-chancellor was suspended. It was ascertained, however, that the person chosen as his successor was likely to prove still less manageable, and James exercised a prudence which was not always at his command, in abstaining from a further prosecution of the quarrel.* CHAP. II. 1686.

But this dispute was almost forgotten as soon as the king made his memorable attack on Magdalen college, the richest foundation in Oxford, perhaps in Europe. The heads of that university had not long since put forth a declaration, asserting the doctrine of passive obedience in the most extravagant terms, accompanied with the usual insinuations as to the revolutionary intentions of the men opposed to that tenet. This declaration had been made public amid anticipations, and during a state of parties, very different from what now existed. The moment had arrived in which the sincerity of its authors was to be put to the test. And at Oxford.

* James, on meeting this opposition, reminded his opponents of their declaration about resistance, as "impious, seditious, and damnable," and exclaimed, "Is this your church of England loyalty?"—Life of James II. pp. 125—127. State Trials, XI. 1315, *et seq.*

CHAP. II. 1686.

Doctor Clarke, the president of Magdalen college, died about this time, and the king sent a mandatory letter, requiring the fellows to elect in his room Mr. Anthony Farmer, a recent convert to the catholic faith. It was not simply the religious creed of this man that made him ineligible, and the fellows wrote a submissive letter to the sovereign, entreating him to withdraw his appointment. The day of election arrived, and no answer was obtained. The statutes of the college now obliged the electors to proceed to their choice, and their decision was in favour of Mr. Hough, a person whose character was in every view respectable, and his firmness such as to merit the confidence which was now reposed in him. James described this step as contumacious, and certain commissioners were sent to Oxford empowered to summon the delinquent parties before them. It soon appeared that Farmer's pretended conversion had been allowed to supply the want of nearly every qualification for the dignity to which the misguided king would have raised him. His learning was inconsiderable, his morals scandalous, so that it was deemed expedient, even by the commissioners, to set him aside. Another mandate was now issued in favour of Parker, "lately created bishop of Oxford, a man of prostitute character, but who, like Farmer, atoned for all his vices by his avowed willingness to embrace the catholic religion."* The college ventured to remind the sovereign, that the statutes which they had bound themselves by oath to observe, required them to

* Hume.

choose a president at a given time; that, in conformity with those statutes, and with their oaths respecting them, they had already chosen Mr. Hough, and that during his life-time it was impossible they should make another election. They added, that, were it otherwise, Parker would be found by their statutes to be ineligible; and they concluded with lamenting that a law of necessity, to which alone, in such a case they would bow, obliged them to appear as the opponents of his majesty's pleasure.

Nine months had been occupied in this controversy, when three commissioners, the bishop of Chester, the chief justice of the king's bench, and a baron of the exchequer, declared the election of Hough to be void. To this sentence the president replied with a dignity fitting the occasion, "My lords, I do hereby protest against all your proceedings, and against all you have done, or shall do, in prejudice of me and of my right, as illegal, unjust, and null; and, therefore, I appeal to my sovereign lord the king in his courts of justice." Among the fellows, two submitted to this sacrifice of their independence, the rest justified what they had done, and were punished with expulsion, and other severe disabilities. In conclusion, Parker was raised to disputed dignity, and by force was placed in possession of the president's lodgings. It was now evident that the king considered his dispensing power superior to all statutes, even those relating to private property; and that no means would be left unemployed to introduce the partisans of his religion into every department of the established

CHAP. II. 1686.

church. The new residents in Magdalen college were mostly catholics, and the death of Parker, in the spring of 1688, was followed by a second interference of the monarch. Dr. Gifford, a catholic clergyman, and one of the four vicars apostolic, was then raised to the place of president; the foundation was thus completely wrested from the protestant church, and all this was done by a prince who had solemnly pledged himself to protect the rights and the privileges of that church.*

Conduct of the seven bishops.

A few weeks had passed since making this last appointment, when the king re-published his declaration with respect to liberty of conscience, and added, that he had determined his subjects should possess their present freedom, in that particular, "for ever." He dwelt also on the advantages which must result to the general interests of the nation from the continuance of this liberal policy, and despatched letters to the prelates, calling upon them to give instructions to their clergy, which should secure the reading of this document from all the pulpits of the established church. During the reign of Charles the first, the people were accustomed to this manner of publishing proclamations and ordinances on matters of state; and, it will be remembered, that the whigs and nonconformists suffered much from the publicity which was thus given to the declaration sent forth by the late king, on dismissing his last parliament.

* State Trials, XII. 1—112. Kennett, pp. 475—481. James II. p. 119, *et seq.* and Burnet, *ubi supra*, and the Notes of the Oxford Edition. There were rumours, that the king meant to confer the archbishopric of York on father Petre, and, as is well known, the pope's nuncio was publicly received at court.

But, in that instance, the clergy judged their obedience to be the interest of their party, and they were obedient accordingly; in the present case, to comply was supposed to be little less than an act of self destruction, and their compliance was solicited in vain. On the former occasion, also, this questionable course of proceeding had been particularly urged by archbishop Sancroft; at this time the primate was among the most active in opposing it. After much consultation and arrangement, seven prelates laid an address before the king, which prayed that the clergy might not be obliged to read his majesty's declaration. The bishops were careful to state that their hesitation on this point proceeded not in the least degree from a want of loyalty, or from an indisposition to relieve persons dissenting from the established church. It resulted simply from the fact, that the proposed liberty was conferred by means of that dispensing power which parliament, during the last reign, had more than once declared to be illegal. They could not, therefore, in prudence, honour, or conscience, become so far parties to its exercise as the causing of this instrument to be read from the pulpits, subject to their jurisdiction, would certainly amount to.

But it is to be observed that this address was not presented until the Friday preceding the Sunday on which the king's declaration was to have been published by the clergy of the metropolis. James complained equally of the season, and of the matter of this petition, and dismissing the parties presenting it with expressions of displeasure, told them, that should they not hear from him on the

CHAP. II. 1688.

following day, they were to remember that their obedience would be expected. It happened that a few hours only after the address was delivered to the king, it was ascertained to be in print, and in the hands of the people. Its authors, as afterwards appeared, had no share in this proceeding; but the circumstance added to the suspicions and resentment which now swayed the mind of the sovereign, and Saturday passed without his making any communication to the anxious prelates. Sunday came—a few of the London clergy read the declaration, a far greater number made not the slightest allusion to it.

Perplexities of James.

James was now agitated by opposite councils. His obstinacy and wounded pride urged his listening to those who recommended an immediate prosecution of the offenders. Prudence suggested the propriety of hearkening to the men who spoke of the danger that must attend a struggle, which should call forth all the strength, and the latent disaffection, of the established church. In the end the imprudent side was chosen; but, to lessen the odium of the proceeding, it was resolved to treat the conduct of the delinquents as a civil misdemeanor, and that their answer should be given, accordingly, in a court of justice.

He resolves to prosecute the prelates.

When brought before the council, the bishops refused to give the recognizance demanded of them, pleading their privilege as peers. After some delay, it was resolved to commit them to the Tower, under the charge of composing and publishing a seditious libel. It was deemed prudent that these novel advocates of freedom should not pass through the

city to their place of confinement—a boat was prepared to convey them by water. But the people followed them in crowds along the banks of the river, cheering them, and calling down blessings upon them as they passed. They had no sooner landed than the garrison of the Tower, officers and men, manifested their sympathy with the populace, by casting themselves at the feet of these illustrious sufferers, and lauding them as protectors of the laws and religion of their country. The bishops, by the calmness of their deportment, and their advice to all around them to abstain from violence, to fear God and honour the king, added much to that strong impression which their circumstances had produced.

Three weeks, from the time of their commitment, were occupied in preparations for their trial. When the day arrived they made their appearance, attended by twenty-nine temporal peers, and a large body of gentlemen; so that the populace, who had followed them in great crowds, found little room in the hall, and waited in the open air anxiously expecting the result of a struggle, which they looked upon as involving the fate of their liberties and religion. In the court, the officers found it impossible to maintain the usual decorum, the spectators persisting in their frequent and loud applause of the witnesses, and the counsel, who spoke in behalf of the accused.

Their trial.

Men, who had been chiefly known as the instruments of court power, appeared among the counsel for the bishops, and displayed equal learning and energy in the popular cause. Sawyer,

CHAP. 11. 1688.

Finch, Pollexfen, and Pemberton, all insisted on the right of the subject to address the sovereign, and all laboured to demonstrate the unlawfulness of the dispensing power. They contended that the charge set forth in the information against the prelates had not been proved; that the petition said to have been presented by them contained not a word opposed to the king's prerogative; that it was simply an apology, most respectfully expressed, in behalf of the petitioners and their clergy, on account of their withholding the service which the monarch had required of them in the matter of the declaration; and that, inasmuch as the dispensing power had been declared illegal by parliament, the conduct of the bishops was to be justified on the ground of their peerage, and still more on account of their official character, which rendered them the guardians of the Act of Uniformity. It was urged, also, that the document, thus harmless in itself, and thus consistent with the character of the parties from whom it proceeded, was, moreover, presented in a private and dutiful manner, and could not be construed into the publication of a seditious libel, without making the wisest precautions of legislation futile, and substituting the most irregular exercises of power in the place of the securities provided by the constitution.

Finch remarked, "A power to abrogate laws is as much a part of the legislature, as a power to make laws; a power to lay laws asleep, and to suspend laws, is equal to a power of abrogation; both are equally parts of the legislature; and, by

the law of the land, the legislative power resides, not in the king alone, but jointly with the king, lords, and commons." Pemberton pursued the same course. "The kings of England," he observes, "have no power to suspend or dispense with the laws of the kingdom. Such a dispensing power is a thing that strikes at the very foundation of all the rights, liberties, and properties of the king's subjects. If the king may suspend the laws of England which concern our religion, there is no other law but he may suspend. And if the king may suspend all the laws of the kingdom, what a condition are all the subjects in! for their lives, liberties, and property—all are in mercy." Sawyer and Pollexfen spoke to the same effect. Mr. Somers, subsequently lord Somers, spoke as junior counsel on the same side, and concluded his characteristic speech as follows:—"My lord, as to the matters of fact alleged in the petition, that they are perfectly true, we have shown by the journals of both houses. In every one of those years which are mentioned in the petition, this power of dispensation was considered in parliament, and, upon debate, declared to be contrary to law. There could be no design to diminish the prerogative, because the king had no such prerogative. Seditious it could not be, nor could it possibly stir up sedition in the minds of the people, because it was presented to the king in private, and alone. False it could not be, because the matter of it is true. There could be nothing of malice, for the occasion was not sought, the occasion was pressed upon them. In a word, a libel

CHAP. II. 1688.

it could not be, because the intent was innocent, and they kept within the bounds set by the act of parliament, which gives the subject leave to apply to his prince by petition, when he thinks himself aggrieved.

Their acquittal.

The attorney-general and solicitor-general maintained doctrines the opposite of those so ably insisted on by the counsel opposed to them. The opinions of the judges proved to be about equally divided; and when the case was submitted to the jury, they occupied the whole night in discussing it, sometimes with so much vehemence as to be heard from without. In the morning, however, the verdict of not guilty was pronounced; the shouts of joy which it occasioned among the expectant multitude, were re-echoed from every part of the metropolis and its neighbourhood, and reached even to the tents of the royal army at Hounslow Heath. James was in the camp at the time, and on hearing the unusual sound, inquired the cause. The answer was, "It is nothing but the soldiers rejoicing at the acquittal of the bishops." "Do you call that nothing?" said the impassioned monarch, "but so much the worse for them."*

* "Nothing short of infatuation could have prompted the king to so impolitic a measure. Had he proceeded against the bishops for their resistance to his supremacy, there would have been some colour for his conduct; but for the charge of libel in the decent exercise of an undoubted privilege, there could be no pretence, so long as the laws were in existence. James, who precipitated all his measures, was evidently unprepared for their disobedience, little expecting that those who had declaimed so much to others against resistance, would now practise it themselves. It was, therefore, with some reason that he reproached them with having preached and printed for the dispensing power, when it suited their purpose."—Wilson's Life of De Foe, I. 141. This writer states, that several nonconforming ministers visited the

CHAP. II. 1688.

The king had now reached the last stage of his misrule. It is true that just at this time the queen gave birth to a son; but this circumstance, inasmuch as it threatened to render the king's policy hereditary, instead of allowing it to die with him, only served to increase the dissatisfaction of the people, and added to the number of those who were anxious to see the supreme power transferred, either partially or entirely, to other hands. Louis ventured to remind his good brother of his weakness, and of the danger which threatened him. But the pride of the English monarch, who was neither to be schooled nor protected by an equal, rendered these fraternal admonitions worse than useless. On a sudden the French king directed his whole force against the empire, leaving the States and the prince of Orange at liberty to pursue any foreign enterprise;—and now James began to perceive the precipice which had opened at his feet. He strove to propitiate the Hollanders. At home there was scarcely an encroachment of his reign which he did not profess to abandon,—so earnest was he to recover the lost confidence of his people. But these concessions, though made with much seeming cheerfulness, were known to be the fruit of hard necessity, and did not interrupt those secret communications between his opponents and the prince of Orange, which ended in the expedition that landed at Torbay, and the revolution of 1688.

prelates in their captivity, "tendering their condolence and their services, and exhorting them to persevere in the same course of resistance, of which they had so happily set the example."

CHAP. II. 1688.

That the attention of the prince should have been directed to the state of affairs in England, was reasonable, not only from his relation to the king as his nephew and the husband of his daughter, but from his unquestionable attachment to protestantism and to civil liberty, and from his solicitude with respect to that balance of power in Europe, by which alone he could hope to frustrate the ambitious designs of France. He must have been aware that Monmouth's insurrection had removed a competitor from the path of his honourable hopes. And he was not less sensible that the cruelties of the court, which immediately followed, had filled a large part of the nation with abhorrence of the government. So long as the king was without a son, the prince was presumptive heir, and this circumstance, which naturally induced a close observation of English politics on *his* part, was regarded with so much apprehension by the catholics about the court, that a project of excluding Mary and substituting her younger sister, who was thought at this time to be less opposed to her father's faith, was not only spoken of, but gravely matured, and submitted to the sovereign. James was painfully alive to the fact, that, in the event of his nephew's accession, all that his own Romanizing schemes had accomplished, would be instantly broken up; but his veneration for the doctrine of legitimacy was not to be affected even by such a contingency. The conspiracy adverted to came to the knowledge of the prince, and a copy of the scheme was sent to the Dutch ambassador, with instructions that he should

lay it before the king. James professed himself greatly displeased with the document, and affirmed that the change which it proposed was one which neither king nor parliament had power to introduce. The whole proceeding, however, bespoke the strong mixture of hope and fear by which the English catholics were swayed on this point.

In the spring of 1687 a more active correspondence took place between the prince and certain leaders, both of the whig and tory parties; and the information conveyed to him with respect to the state of affairs in this country, must have led him to conceive that his personal interference between the king and his subjects, might, at no distant period, be deemed necessary. Among his correspondents at this time were such men as Hallifax, Danby, and Nottingham;—some of whom were too much attached to civil liberty to see it perish without an effort in its cause; and others were too sincere in their hatred of popery, and their zeal for the established church, to be capable of adopting the religion of the sovereign as the only means of obtaining his favour.

It was not, however, until the last day of June, in 1688, that the memorable invitation was agreed to, which received the signatures of the earls of Danby, Shrewsbury, and Devonshire, the lords Delaware and Lumley, the bishop of London, and admiral Russell. Nor was it until the birth of a prince of Wales had destroyed the last hope of the friends of the constitution, and of the Anglican church, that this communication was made. And even yet the change of sovereignty which followed

CHAP. 11. 1688.

was not among the things intended by the parties who held forth this definite encouragement to the prince, nor could it reasonably have been among the things expected by himself. He had spoken of the force which accompanied him as being a mere guard for the safety of his person, and formidable as it was, there was room to apprehend that it might prove barely sufficient for that purpose,—so great, in various respects, was the hazard of the enterprsie.

But the defection from the royal cause, which soon began to manifest itself; and, above all, the king's flight from the capital, which followed, placed the affairs of the kingdom in a posture that could not have been foreseen, and one, on the proper management of which the fate of the realm depended. The result was, that the prince of Orange was declared king of England, under the title of William the third, in the place of James the second.

Nature of the revolution of 1688

Was this novel proceeding to be justified? Assuredly not; if the war against Charles the first, or even if the formal dethronement of that monarch, were not to be justified. The government of the first Charles was, upon the whole, no less unconstitutional than that of James the second. If the one availed himself of a corrupt opinion from the judges in favour of his dispensing power, the other did the same on the equally vital question of ship-money; and if the one commanded the bishops to read from their pulpits what they professed they could not read in honour or conscience, the other had been still more unmindful of such scruples,

when putting forth his book of sports, and had punished the disobedient with more signal severity. It may be added, also, that the former was chargeable with a violence of conduct toward the representatives of the people that cannot be urged against the latter, and that he manifested a less doubtful determination to rule without the intervention of parliaments. With respect to the administration of justice, the government of the father is not to be mentioned along with that of the son. The contest, therefore, which has rendered the year 1688 so memorable, was the same which had been conducted with greater violence in 1641; and there is not a reproach cast upon the men who unfurled the standard of the people, in opposition to Charles the first, that is not applicable to those who made themselves parties to the expulsion of James the second. In both cases the same great principles were involved, and the same character, in many of its leading features, was observable in the men who occupied the throne.

That discussion which the exclusion bill had rendered so familiar to the parliament and the people, was now resumed, and with a deeper, and more general interest. The same choice between exclusion and compromise recurred. While the falling monarch proposed concessions, as large as the most sturdy advocate of popular rights could have demanded, expedients to secure him in possession of the throne were sure to be widely supported. But opposed to all schemes of this nature were those elements in the character of the sovereign,

CHAP. II. 1688.

which rendered their weakness obvious, and would have made them an act of injustice to the nation. Every thing which the exclusionists of the last reign had predicted with respect to the conduct of the duke of York, should he become king, had taken place. Hence the position of the whig party had become the advantageous one. On the one hand were the strict adherents to hereditary claims, whose principles required them to place the infatuated monarch in a state of restraint degrading to the monarchy, and certainly hateful to himself. On the other side were the men who asserted, that the line of succession should be, in common with every principle of civil society, subservient to the general welfare, and who, accordingly, urged a transfer of the crown to the brow that might be expected to wear it in obedience to that end.

Nor was this right of parliament to alter the succession, the most remarkable or the most important doctrine involved in the revolution adverted to, inasmuch as this had been often asserted, and sometimes exercised in the course of our history. The main principle and effect of this proceeding resulted, as a consequence, from its great act in relation to the throne—viz. the practical subjection of the king to the laws, instead of the total, or even partial, subjection of the laws to the king. It at once annihilated the doctrines of divine right and non-resistance, "and brought into easy and undisturbed practice those ancient rights and liberties, which the Plantagenets had attempted in vain to subvert, which the Tudors had often

been allowed to trample upon, and which the Stuarts sacrificed their throne to destroy."*

The conduct of the nonconformists in relation to this crisis must not be passed over. Liberty of worship was no sooner proclaimed, than it appeared that the number of the persons who were in heart separated from the established church, had been singularly underrated. Had the dissenters gone heartily into the measures of James the second, the overthrow of the church of England was hardly doubtful.† The unanimity which they manifested in favour of William, had it been directed against him, must have led to a civil war, and the nation had already seen that a bad prince, making large concessions to his people, has always the probable means of repairing his fortunes, and frustrating the most patriotic intentions. The temper in which the dissenters used the balance thus virtually placed in their hands, is illustrated in the following anecdote. "Jeremiah White, who had been chaplain to Oliver Cromwell, and is well known for his courtship of the protector's daughter, afterwards the lady Faulconberg, had been at some pains to collect a minute account of the sufferings

* Life of Lord Russell, I. 164.

† The primate, Sancroft, discovered his conviction of this fact, by addressing articles to the clergy at this crisis, which required them "to have a very tender regard to their brethren, the protestant dissenters; to visit them at their houses, and to receive them kindly at their own; to treat them fairly whenever they met them; to take all opportunities of convincing them that the bishops of the church are sincere and irreconcilable enemies to popery, and that the very unkind jealousies which some have had of the bishops to the contrary, were altogether groundless; and, in the last place, warmly and most affectionately to exhort them to unite in daily fervent prayer to the God of peace, for an union of all reformed churches, both at home and abroad, against our common enemies."—Echard's Hist. of England, II. 1107.

CHAP. II. 1688.

of the dissenters after the restoration, and the depredations committed upon them by the church party. He had prepared lists of their ministers and others, who had suffered imprisonment, distinguishing those who died or were starved in gaol; with an account of the fines levied by execution upon their estates: 'and a melancholy history,' observes De Foe, 'it would have made.' To expose this narrative to the public view, he was strongly solicited by the court, and tempted by the offer of a large reward; it being well understood, that so terrible an exposure would leave an indelible blot upon the character of the English church, and thereby facilitate its downfall. Mr. White had too much generosity to embrace the opportunity of such a triumph. 'He scorned the temptation, rejected the rewards, and told them he would not so far assist them to pull down the church. In short, he refused either to publish his memoranda, or so much as to show them the collections he had made, or to give them the least opportunity to do it themselves; and this purely as he saw the design of the party, which, as a fellow-protestant, as well as a dissenter, he had more sense, honour, and christianity, than to join in.' The forbearance of this gentleman was the more exemplary, for, as De Foe observes, 'The dissenters are but men, made of the same flesh and blood, and subject to like passions with their brethren; and a sense of their former treatment might be expected to furnish them with a handle for laying the matter before the world; especially considering the recency of the facts, which thou-

sands of witnesses were ready to attest; besides the guilt in the adverse party, ready to join with the accusation, and impose silence upon the persons." De Foe, addressing the episcopal church, goes on to say, 'I need not appeal to Mr. Jeremy White for the truth of this, but appeal to those most reverend members of your assembly, who, with others lately dead, gave Mr. White public thanks for his christian and unexampled moderation, and promised to remember it whenever they should have opportunity to make returns of the like charity to the dissenters.' If we may believe Oldmixon, Mr. White had collected the names of sixty thousand persons, who were prosecuted on a religious account from the restoration to the revolution, five thousand of whom died in prison; and he is said to have told lord Dorset, that king James offered him a thousand guineas for the manuscript, which was probably destroyed, as it has never been heard of since.*

* Wilson's Life of De Foe, I. 132, 133. It may be proper to state here, that in the former volume of this work there are a few paragraphs that have already appeared in the pages of a critical journal, to which the author has been an occasional contributor.

INDEX.

A

Abbot, primate. His milder policy, i. 328.
Administration of justice, state of, under Elizabeth, i. 12.
Ainsworth, the Brownist, notice of him, i. 319.
Aix-la-Chapelle, treaty of, ii. 358.
"Agreement of the people." An account of the paper so called, ii. 197.
Allegiance, oath of, devised by James I. i. 274.
Arian. Legate and Wrightman, two arians, burnt, i. 331.
Army. Charles I. meditates introducing German troops, i. 394. Army plot, ii. 98. Parliament army at the commencement of the civil war, ii. 121, 125. Disunion in the army of the parliamentarians, 137, 138. The army new modelled, 143. Demands of the army from the parliament, 171—173. The king in the hands of the army, 174. Its liberal conduct toward him, 176. Its state in 1648 considered, 180, *et seq.* Its unsettled state after the death of the king, 197. Prepares its "agreement of the people," 205. Disbanded at the Restoration, 294.
Articles, the nineteen, submitted to Charles I. ii. 112, 113.
Assembly of divines, ii. 149.

B

Bacon, lord. His rivalry with Coke, i. 218. His triumph, 221. His estimate of the puritan controversy, 250, *et seq.* His impeachment and death, 227, 229.
Bancroft. State of religious parties under his primacy, i. 271. His writings, 276. Causes of his promotion, 278. Instance of his tyranny, 280. His death, 296.
Bastwick's case in the star-chamber, i. 72.
Baxter. His sentiments on the civil war, ii. 123. His account of the sufferings of the puritans at that time, 125. Prosecuted soon after the accession of James, and tried before Jeffries, ii. 504, 505.
Bernard's case in the high commission court, i. 482.
Berwick, pacification of, ii. 28.
Bible translated, i. 329, 330.
Bills for the security of the church, ii. 415.
Bishops. Their flattery of James I. i. 109. Their conduct toward the puritans noticed by lord Bacon, 254. Their protest in 1641, ii. 104. Impeachment and exclusion from the upper house, 105. Their conduct toward the nonconformists after the restoration, 297, *et seq.* Dispute between the seven bishops and James II. 512—518.

Book of Sports issued by James I. i. 332—334.
Bradshaw. His dignified reproach addressed to Cromwell, ii. 213.
Breda, declaration from, ii. 282. Discussion of it in the lords, 321.
Brentford, surprise of, ii. 117.
Bristol, earl of. His conduct, i. 370.
Brownists. Their origin and sufferings under Elizabeth, i. 60—66. Their principles, 297—299. And their loyalty, 300. Fate of Barrow and Greening, 301, 302. Protests of the Brownists respecting the authority of the magistrate, 303, 304. Notice of Robert Brown, 304—306. Brownists in London during the time of Philip and Mary, 307. Their number in England in 1592, 308. Their confession of faith, and reasons of dissent from the established church, 309—315. They plead for toleration, *ib.* Sketch of their history in Holland, 316—320.
" Bye," the, conspiracy so called, i. 88.

C

Cabal administration. Its proceedings, ii. 375. Its members not equally delinquents, 399.
Cadiz, attack on. Its failure, i. 366, 367.
Calvinism discountenanced by James I. i. 336. Prohibitions relating to it under Charles I. 503.
Canons, Book of, passed in 1604, i. 135. Unconstitutional manner of enforcing it, 139.
Cartwright, the puritan. Notice of his character and conduct, i. 73. Mr. D'Israeli's inaccuracy corrected, *ib.*
Catesby. His part in the gunpowder plot, i. 152.
Catholics. Their state on the accession of Elizabeth, i. 26. Severe treatment of them, 30. Catholic conformists in that age, 31. Catholic conspiracies, 32. Severer laws enacted against them, 35. Death inflicted, *ib.* Banishment of priests and jesuits, 36. State of this party after the death of the Scottish queen, 37. Revived persecution of them soon after the accession of James I. 150, 168. Their state during the greater part of his reign, 272, 273. Proceedings against them in parliament on the accession of Charles, I. 422. Their state in England before the meeting of the long parliament, ii. 1—10, 14. They take part with the royalists in the civil wars, 121, 127. Their condition at the restoration, 314. Their conduct during the reign of James II. 494, 495, 508.
Cecil, sir Robert. His character, administration, and troubles, i. 186, 187.
Ceremonies. Controversy respecting them under Charles I. i. 490, 494. Case of Dr. Cosins, ii. 54, 56.
Charles I. His accession, i. 350. Secret article in his marriage with Henrietta, with respect to the catholic worship, 351. Favours the catholics, but not from a love of toleration, 357. Complains justly of the condition attached to the grant of tonnage and poundage, 361. Hume's vindication of his obstinacy with regard to the Spanish war examined, 365, 366. His imprudent conduct towards the commons, 368. And the lords, 369. State of the dispute between him and the commons on dissolving his second parliament, 377. His embarrassments and obstinacy, 379—381. His expedients to raise money, 382—384. His arbitrary conduct, 385. Effect produced by it, 389. Obliged to summon his third parliament, 393. Attempts to conciliate his opponents, 395. Addresses menacing language to the two houses, 396. Gives a reluctant assent to the petition of right, 401—403. His duplicity in relation to that document, 408. He prefers Montague and Manwaring, 427, 431. Forms a new cabinet, 447. His illegal methods of assisting the revenue, 418, *et seq.* State of the star-chamber and high commission courts during his reign, 464—479, *et seq.* His character, as developed in his government from 1629 to 1640, considered, ii. 18—20. Depressed state of his affairs at the time of the Scottish invasion, 24, 25. Dismisses the parliament of 1640, and returns to unconstitutional practices, 43.

Summons the long parliament, 44. His promise of safety to Strafford, 86. His part in the incident and army plot considered, 98, 99. And in the Irish rebellion, 100. Favourably received by the citizens of London after his return from Scotland in 1641, 101. His violent proceedings against the five members, 106. His attempt on Hull, 110. Obtains assistance from Ireland, 135. Assembles a parliament at Oxford, 136. Reduced state of his affairs after the battle of Naseby, 161. Difficulties arising from his insincerity, 161—165. Surrenders himself to the Scots, 168. Is seized by the army, 174. Rejects the plan of the army for the settlement of the nation, 178. Is removed to Hampton Court. His intrigue to renew the war rejected, *ib.* Escapes to the Isle of Wight, 186. Parties chargeable with his death, 189.

Charles II. His character, ii. 273—276. Members of his council, 276—280. His declaration from Breda, ii. 282. His declaration in favour of the nonconformists, 301. Opposed by the court and parliament, 303. His poverty, 316. Marriage, 317. Issues his declaration of indulgence, 324. His secret treaty with Louis, 360—368. His second declaration of indulgence, 378. His conduct with regard to the non-resisting test. 410. Further treaty with Louis, 412. Insincerity of his conduct in 1677, 415. His arbitrary government after dismissing the Oxford parliament, 463, *et seq.* His death, 476, 477.

Church of England. Altered feeling in relation to it after the restoration, ii. 328.

Churches, French and Dutch. Their privileges invaded by Laud, i. 488, 489. Project to unite the churches of England and Rome, ii. 7—10.

Citizens of London. Instance of their spirited conduct during the civil war, ii. 130. Hostile to the army after the death of Charles I. 175.

Clarendon. His character of the nonconformists, ii. 313. His fall, 353, 354.

Clergy, scandalous, proceedings against them in the long parliament, ii. 53; and subsequently, 157, 158. Zealous preachers of passive obedience under Charles II. and James II. 489, 490. Become disaffected to James II. 496, 497.

Common law, discountenanced by James I. i. 225. Laud's hostility to it, 497.

Common Prayer revised at the Restoration, ii. 312.

Commonwealth. Its establishment, ii. 191. Its defective authority, 192. And difficulties, 194. Its severity towards the royalists, 195. State of religion under it, 219—221.

Conspiracies detected on the accession of James I. 89—92.

Constitution, the English. Its fundamental maxims, i. 6, 7. Its character on the accession of Elizabeth, according to bishop Aylmer, 23—26. Hooker's account of it, *ib.* Described by the speaker of the commons on the accession of James I. 117.

Constitutional history. Its nature and claims, i. 4, 5.

Conventicle Act passed, ii. 339.

Convocation. Its origin, power, and proceedings, in 1604, i. 129—138. Its proceedings at the Restoration, ii. 311—313.

Court of James I. Its manners, i. 193, 200, 211. Its extravagance, 176, 177. Hume's partial account on this point considered, *ib.*

Courts of high commission and star-chamber under Elizabeth, i. 15—17. Under Charles I. 497, *et seq.* Abolished, ii. 63.

Court of ecclesiastical commission restored by James II. ii. 498.

Cromwell, Oliver. His rise, ii. 138. Designs of his enemies, 141. He proposes the self-denying ordinance, and becomes an exception to it, 142. His influence in the army, 139, 142. Obliged to desert the cause of the king, 180. His vigorous conduct against the levellers, 185, 186. His growing power, 202. His questions respecting monarchical government, 265. His conference with Whitelocke on that subject, 207. He expels the parliament, 211. Dissolves the council of state, 212. Convenes

a parliament, 223. Its character, proceedings, and dissolution, 224, 225. His instrument of government, 226. His second parliament, 226, *et seq.* A third, 229. Proposal that he should be made king, 230. He declines the title, 235. New plan of government, *ib.* Dissolves his third parliament, 238. State of parties at this juncture, 239. His death, 258. Observations on his life and character, 261.

D

Danby, earl of. His new policy as minister, ii. 404. His use of bribes, 405. Proceedings against him, 419. His impeachment, 432. Character of his administration, 433, 434.
Declaration of indulgence by Charles II. ii. 324. Rejected by parliament, 335—337. A second declaration in 1672 also rejected, 378—382.
Directory, new, of worship, ii. 156.
Dispensing power. The ground of the declaration for liberty of conscience, by James II. ii. 499, 500.
D'Israeli's Commentaries on the Life and Reign of Charles I. quoted with remarks, i. 46, 47, 52, 53, 71, 73, 110, 268, 269, 419, 440, 502; ii. 22, 23.
Dunkirk. Sale of it, ii. 318.
Dutch Fleet. Piratical attempt to capture it, ii. 377.

E

Ecclesiastical affairs discussed in the parliament of 1604, i. 121, 122. Their state during the primacy of Bancroft, 271—296. From the death of Bancroft to the accession of Charles I. 328—342. From the accession of Charles I. to the dissolution of his third parliament, 422, *et seq.* State of religious parties at the Restoration, ii. 296. Episcopal clergy restored, 298. Promises made to the nonconformists, 299. Deception practised on them, 300.
Ecclesiastical councils, ancient state of, i. 129.
Edgehill, battle of, ii. 126.
Elections. Power of the commons to determine their validity, i. 118—120.
Eliot, sir John. His sufferings and death, i. 414, *et seq.*
Elizabeth. Character of her age, i. 1—3. Her government with regard to methods of raising money, 7—9. Her interference with debates in parliament, 10, 11. Her use of proclamations, 11, 12. Administration of justice during her reign, 12, 13. State of personal freedom, 13—15. Growing importance of the commons, 17—23. Her proceedings with regard to religion, 27. She is excommunicated by Pius V. 32. Her general policy towards religious parties, 51. Low state of morals and religion during her reign, 254. Her death, 76.
England. A review of its state during the interval from 1629 to 1640, ii. 11—20. State of public feeling on the meeting of the long parliament, 45. Condition of the kingdom at that time described by sir Benjamin Rudyard, 47—51. Popular excitement connected with the restoration, 272, 273. Prevalence to discontent in 1667.
Erastians. Their number and character, ii. 150.
Europe. Its political and religious state on the accession of the house of Stuart to the English throne, i. 82, 83.
Exchequer closed by the cabal ministry, ii. 376.
Exiles, puritan, their feelings described, i. 325.
Ex-officio, the oath so called, censured by lord Bacon as illegal and unjust, i. 264, 265.

F

Fawkes, Guy, i. 160.
Five Mile Act passed, ii. 341.
Forest laws revived by Charles I. i. 450, 451.
France, origin of the war with it in 1627, i. 390.
Frankfort, troubles of, i. 44—50. Fuller's account of them compared with that of Dr. Southey, 50.

G

Glamorgan's commission, ii. 166.
Godwin, sir Francis. His case, i. 118.
Government. Its design, i. 4.
Grey, lord. His trial, confinement, and death, i. 95—99.

H

Hampden. His conduct with regard to ship-money, i. 460. His correspondence with Eliot, 417. His death, ii. 130.
Hampton Court. Conference there with the puritans, i. 105.
Henry, prince. His character and early death, i. 189. Conduct of the court on that occasion, 190.
Hierarchy. Attack upon it soon after the meeting of the long parliament, ii. 64—67.
Hull, attempt on, ii. 110.
Hutchinson, Mrs. Her remarks on the word puritan, ii. 49.
Hutton, archbishop of York. His favourable testimony respecting the puritans, on the accession of James I. i. 140—142.
Hume. His inaccuracy respecting the apology adopted by the commons in 1604 corrected, i. 126, 127. His mistaken views of the controversy between James I. and the puritans, 148. His account of the court of James I. considered, 177. His partial and defective notice of proceedings in the commons of 1610 pointed out, 179, 182, 292, 293. His unfair notice of the prosecution of Montague, 360, 361. His censure of the parliament convened on the accession of Charles I. examined, 365, 366. Remarks on his description of puritan morals, 442, 443. His observation on the revival of the forest laws noticed, 450. His notice of petitions presented to the long parliament, with remarks, ii. 119, 120.

I

Impeachments. Of lord Bacon, i. 227. Of Mompesson, Mitchell, and others, 233, 234. Of Middlesex, 247, 248. Of Buckingham, 371. His second impeachment, 374—376. Impeachment of the earl of Strafford, ii. 5—8. Of archbishop Laud and others, 59, 60. Of the bishops, 104, 105. Of the five members, *ib.* Of Clarendon, 354. Of the earl of Orrery, 369. Of Danby, 432.
Imposts, dispute respecting them in 1610, i. 180—182. Renewed, 214.
Imprisonment, arbitrary, as argued in 1627, i. 386—389.
Impropriations, lay. How regarded by such churchmen as Bancroft and Laud, i. 506, 507.
Incident, the, ii. 99.
Indemnity, bill of, ii. 282.
Independents. Their rise, i. 320. Baillie's account of them soon after the meeting of the long parliament, ii. 66. Further notice of them, 132—134. Their strength in the parliament army, 142. Their character according to Lingard, Clarendon, Baillie, and Baxter, 153, 154. Their principles, 154—156. Their power after the battle of Naseby, 162. Clarendon's comparison of them with the presbyterians, 163. Their state under the protectorate, 255. Their meeting at the Savoy, and their confession of faith, 256—258. Cromwell's influence on the profession of independency, 258—261. They plead for toleration after the return of Charles II. 332, 333.
Indulgence, declaration of, by Charles II. in 1662, ii. 334; in 1672, 378.
Ireland. Policy of James I. toward it, i. 337, 338. Charles I. obtains assistance from it in 1643, ii. 135.
Irish massacre, ii. 99.

J

Jacob, Mr., forms the first independent congregation in England, and removes to Virginia, i. 324, 325.
James I. His accession, i. 74. His title more popular than hereditary, 75. His presbyterianism, and the state of parties on his accession, 77. Description of his person, 78. His profuse distribution of honours, 80. His foreign

policy, 82. Factions in the court in 1604, 87. He prohibits the discussion of religious topics, 104. His conduct at Hampton Court, 105, *et seq.* His speech at the opening of the first parliament, 113. His unconstitutional proceedings, 116. Reflections on the conclusion of his first parliament, 126. His speech on the meeting of parliament after the gunpowder plot, 164. His extravagance, 176. Manners of his court, 193—200. And of the age, 200, 201. His speech on the opening of parliament in 1614, 212. His threat to dissolve it if supplies were detained, 216. It is dissolved, *ib.* His violent dispute with the parliament of 1621, 236—240. His policy towards Ireland, 337. Towards Scotland, 339. His death and character, 343. State of religion at his decease, 346.

James, duke of York. His conversion to the catholic faith, ii. 363. A party to the king's secret treaty with France, 364. His removal from office by the Test Act, 386. His marriage opposed by parliament, 388, 389. Projects relating to his succession, 394, *et seq.* Implicated in Coleman's letters, 430. Bill introduced to exclude him from the throne, 436. His judgment with respect to the Habeas Corpus Act, 438. Leaves the kingdom, 447, 448. Expedient in his favour rejected by the Oxford parliament, 458, 459.

James II. His arbitrary conduct on his accession, 478, 479. His haughty language to his parliament, 481. Effect of his conduct toward Monmouth and his followers, 489. His arbitrary designs opposed by parliament, 490, *et seq.* He restores the court of high commission, 498. His insincerity toward the dissenters, 501, 506. Resisted by the universities, 508—512. His proceedings against the seven bishops, 514, *et seq.*

Jeffries, Judge. His cruelties in the west, ii. 485—489. His treatment of Baxter, 505.

Judges. Their decision in 1604, respecting the ecclesiastical power of the crown, and petitioning the king, i. 139, 140. Respecting arbitrary imprisonment in 1627, 388, 389. In the case of the earl of Strafford, ii. 88, 89. With regard to the liberty of the press in 1680, 455, 456. Their character during the reign of Charles II. *ib.*

Judgment, private, imperfectly understood by the reformers, and its consequences, i. 39—43.

K

Knewstub, a puritan. His address to magistrates, in his sermon at Paul's cross, in 1567, i. 5, 6. Instance of puritan intolerance from him, 55, 56.

Knighthood, compulsory under Charles I. i. 449, 450.

L

Laud. His rise, i. 432. His theological and political creed, 434. Invades the privileges of the French and Dutch churches, 488, 499. His ceremonial innovations, 492. His hostility to the common law, 497. Effect of the Romanizing schemes entertained by his party, ii. 2—5. May's candid statement of the primate's views with regard to popery, 10. His impeachment, 58, 59. His correspondence with Strafford, 82, 83. His death, 158.

Lectures. Origin and suppression of them, i. 506.

Leighton, Dr. notice of him, i. 469—471.

Letters of Charles I. taken at Naseby, ii. 164, 165.

Levellers. Their origin and character, ii. 184, *et seq.*

Liberty, civil. Its state under James I. i. 347—349. Boldly asserted by the puritans, 357, 358. Its triumph in the third parliament of Charles I. 405, 406. Its state during the suspension of parliaments, which preceded the civil war, 419—421; ii. 12, 13. And toward the close of the reign of Charles II. 473, 474.

Lilburne, notices of him, ii. 198, *et seq.*

Loans, sparingly resorted to by Elizabeth, i. 7, 8. A loan extorted by Charles I. in 1626, 384. Proceedings against persons refusing it, 385, 386. Arguments employed in their favour, 387. Decision of the judges, 388.
Lords. Their sanguinary temper at the restoration, ii. 282. Jealous order in relation to the power of the commons, 393.
Louis XIV. Object of his intrigues with Charles II. and the country party, ii. 418.
Love's trial and execution, ii. 217.

M

Main, the conspiracy so called, i. 91.
Manwaring. Proceedings against him, and his preferment, i. 428, 431.
Marston Moor, battle of, ii. 137.
Martin Mar-prelate. Extracts from one of his pamphlets, i. 66, 67, 252, 253.
May's History of the Long Parliament. Character of that work, i. 500.
Ministers, silenced, restored by the long parliament, ii. 51.
Monk, general. His proceedings in 1659 and 1660, ii. 269—271.
Monmouth, duke of. Intrigues in his favour in 1674, ii. 395. His projects, 397. His rebellion and death, 483, *et seq.*
Monopolies. Their prevalence during the reign of Elizabeth, i. 9, 10. Investigated by parliament in 1692, 232, 233. Multiplied by Charles I. 451, 452; ii. 37.
Montague, Dr. ordered into custody by the commons, with remarks on the propriety of that measure, i. 360. Complaints against his "Appeal to Cesar," 425. His preferment, 427.

N

Naseby, battle of, ii. 146.
Nayler, the quaker, his trial and sentence, ii. 252.
Newbury, battle of, ii. 130. Second battle of, 137.
Newport, treaty of, ii. 187.
Nonconformists, their motives in opposing the act of uniformity, ii. 324. Effect of the severities adopted towards them, 327. Policy of Charles with regard to them, 331. Their circumstances during the reign of Charles, 370. A schemed meditated to restore them, 372. Suppressed by Parliament, *ib.* Controversy between them and the established church, 373. Fate of the bill designed to relieve them in 1673, 383—385. A summary of the laws in force against them through this period, 421. Their sufferings after the passing of the Test Act, 423, 424. Their political conduct subsequent to the dissolution of the pensionary parliament, 423. Their state under James II. previously to his declaration for liberty of conscience, ii. 501, 504. Their conduct with regard to that declaration, 506, 507. Their influence with respect to the revolution of 1668, 525. Instance of their generosity, 526. Extent of their sufferings, 527.
Nonconformity, partially tolerated after Elizabeth's accession, i. 56, 57. Extracts relating to it from the manuscripts of John Locke, ii. 466—469.
Non-resisting test, memorable debate upon it in 1675, ii. 405—410.

O

Orange, prince of, his vigorous opposition to the power of France, ii. 379, 380, 397. Marriage proposed between him and the princess Mary, 398. It is completed, 470. Reasons of his attention to English affairs, 521. Nature of the revolution connected with his accession to the English throne, 525.
Ormond, duke of, his character, ii. 277.
Oxford, its adulation of James I. i. 103, 104. Its opposition to James II. ii. 509—511.

P

Parliament, its authority and proceedings under Elizabeth, i. 7, 11, 17, 25. Proceedings of the first parliament after the accession of

James, 113, *et seq.* The spirited remonstrance of the commons in prospect of the prorogation, and Hume's mistake respecting it corrected, 125—127. Parliament of 1605, 164—167. Of 1614, 211, *et seq.* Parliament of 1621 proceeds with several impeachments as the result of examining abuses, which occasions a violent dispute with the king, 230—242. Parliament of 1624, 245—249. The commons petition in behalf of puritan ministers in 1610, 292, 293. And against the court of high commission, 294, 295. Its jealousy of the catholics on the accession of Charles I. 359. Reasons of its withholding supplies, 361—365. Hume's account examined, 365, 366. Important proceedings in the third parliament under Charles I., 397—406. Protest of the Commons before the adjournment, 409. Parliament dissolved, 410. Members imprisoned, 412. Proceedings against them, 413, 414. Death of Sir John Eliot, 415—418. Proceedings in parliament with regard to religion, from the accession of Charles I. to 1629, 422, *et seq.* Parliament of 1640, different anticipations respecting it, ii. 32, 33. Its proceedings and dissolution, 34–42. Long parliament, its early proceedings, 46, *et seq.* Bill for triennial parliaments passed, 62. Measures of parliament before the king's visit to Scotland reviewed, 68—71. Bill passed for the continuance of parliament, 102, 103. Requires to have the command of the forces, 109. State of the question between the king and parliament at the beginning of the civil war, 114—119. The royalists, 120. The parliamentarians, 122. State of the country, 124. Treaty between the parliament and the Scots, 131. Jealousies in the parliament army, 138. The army new modelled, 143. State of affairs after the battle of Naseby, 161. Difficulties arising from the king's insincerity, 162. Surrenders himself to the Scots, 168. Is seized by the army. 174. Imprudent conduct of the parliament toward the army, 170—174. Its intolerance, 193. Its jealousy of Cromwell, 206. Its proceedings after the death of the king, 204. Dissolved by Cromwell, 211. A parliament assembled by Cromwell, 223. Its character, 224, 225. A second parliament, 226—228. Cromwell's third parliament, 228—238. Parliament assembled by Richard Cromwell, 267. Dispersed by the army, 268. The rump parliament restored, *ib.* and dismissed, 269. Assembled again, 270. Long parliament finally dissolved, 271. The convention parliament, 280, *et seq.* New parliament assembled, 304. Its proceedings, 305. Altered feeling with regard to the established church after the restoration, 329, 330. Rejects the king's declaration of indulgence, 335—337. Act for triennial parliaments, 344. New method of raising taxes, 347. Parliament appropriates its supplies, 348. Appoints auditors of public accounts, 349. Opposes the king's declaration of indulgence, 381. The Test Act passed, 383. Fate of the dissenters' relief bill, 384, 385. Opposes the duke's marriage, 388. Proceedings against ministers, 392. End of the cabal ministry, 399. Comparative delinquency of its members, *ib.* State of the country party in 1674, 401—403. Non-resisting test introduced, 405—410. Effort of the country party to procure a dissolution of parliament, 413. Bills for the security of the church, 414. Louis intrigues with the country party, 417. Proceedings against Danby, 419. Dissolution of the pensionary parliament, 420. Laws in force against the nonconformists at this time, 421, 422. New parliament, 431. Impeachment of Danby, 432. Character of his administration, 434. New council formed 435. The exclusion bill, 436. The habeas corpus act, 437, 438. Parliament dissolved, 439. Petition of the seventeen peers, 440. Proclamation against petitioning, 441. Whigs and tories, 442—445. The meal-tub plot, 446. New parliament, 450. The exclusion bill, 451. Trial of lord

Stafford, 454. Parliament dissolved, 455. Examination of the judges, 456. Oxford parliament, 457—460. Trial of Colledge, 463. Prosecution of Shaftesbury, 465. Arbitrary government, 471. The Rye-house plot, 473, *et seq.* Parliament assembled on the accession of James II., 480. Its subserviency, 481. Arbitrary designs of the king, 490, 491. Opposition in parliament, *ib.* It is prorogued, 494. He restores the court of ecclesiastical commission, 498. His declaration for liberty of conscience, 499.

Parliamentarians. Their number and character at the beginning of the civil war, ii. 121—124. Jealousies in the parliament army, 137, 138. It is new modelled, 143. Peculiar character of that army, 207.

Patriots under Charles I., i. 353—358. Their difficult circumstances in 1628, 397. Cautious proceedings, 398. They secure the petition of right, 399—403. Their beneficial labours in 1640 and 1641 reviewed, ii. 68—74. Their triumph after the affair of the five members, 107. Division among them, 100.

Persecution, chargeable in English history on the established clergy, whether Catholics, Episcopalians, or Presbyterians, i. 41—43. Ecclesiastical supremacy of the crown, a cause of persecution, 302, 303.

Petition, the Millenary, i. 109—102.

Petition of Right, becomes a law, i. 398—403. Duplicity of Charles with regard to it, 408.

Preaching of the puritans described by lord Bacon, i. 262, 263. Compared with the Liturgy, 266, 267. Restraints upon it, 334, 335, 504.

Presbyterians. Their errors, intolerance, and excellencies, ii. 133, 153 — 155. Their disaffection during the commonwealth, 214. Their state under the Protectorate, 254. Their anticipations and disappointments at the Restoration, 296, *et seq.*

Proclamations. Their authority under Elizabeth, i. 11, 12. Issued by James I. to prohibit religious discussion, 104. And to dictate the choice of members, 116. Illegal use made of them by Charles I. 452—454.

Prophesyings. The meetings so called vindicated by lord Bacon, i. 269, 270.

Protestantism. Its state under Edward VI. and Elizabeth, i. 1, *et seq.* Under Charles I. ii. 2, *et seq.*

Prynne. Notice of him, i. 471. Released with Bastwick and Burton, ii. 60.

Puritans. Their origin, i. 39, *et seq.* Their attachment to civil constitution, 5, 6. Burleigh's advice to Elizabeth respecting them, and her different policy, 33, 34. Opposite representations of the controversy relating to them, 52—55. Parker's severity, 57. Injustice of the policy adopted towards them, 64, 65. Their defects and excellencies, 65—68. Lord Burleigh's estimate of their character, 68, 69. Mr. Brodie's incorrect account of them during this period, 69, 70. Their influence on the English constitution during the reign of Elizabeth, and the tendency of her policy towards them, 70—73. Their petitions to James I. 100. Assailed by the universities, 103. Conduct of their opponents at Hampton-court, 105, *et seq.* Their power in the parliament of 1604, 121, 122, 125. Dr. Rudd's speech in their favour, 137. Archbishop Hutton's testimony to their loyalty, 141. Their sufferings in 1605, 142 — 146. State of the puritan controversy at this time, 146—148. Its history and character according to lord Bacon, 250, *et seq.* State of the puritans during the primacy of Bancroft, 275—296. Their history blended with that of the patriots from the accession of Charles I. 355. Their zeal in the cause of civil liberty, 357, 358. Their religious creed contrasted with that of Laud, 438—440. Remarks on their character, 441—444. They emigrate during the ascendancy of Laud, 486—488. Their sabbath-day described, 501, 502. Their wrongs set forth by sir Benjamin Rudyard and Mrs. Hutchinson, ii. 48, 49. Their sufferings to the commencement of the civil war, 124, 125.

Q

Quakers. Their rise and character, ii. 250—254. Their sufferings at the Restoration, 315, *et seq.*

R

Raleigh, sir Walter. His account of the declining state of the Spanish monarchy, i. 86. Tried on a charge of treason, 92. His voyage to Guiana, 202. His return, trial, death, and character, 206, *et seq.*
Regicides, fate of the, ii. 284, *et seq.* Sentence inflicted on the bodies of Cromwell, Bradshaw, and Ireton, 287.
Relief bill for Dissenters in 1673. Fails to pass, ii. 383.
Religion. Its state during the reign of Elizabeth, i. 254. During the reign of James, 345—347. And during the Commonwealth, ii. 219—221.
Revolution of 1688. Remarks upon it, ii. 522—524.
Richard Cromwell. His accession as protector, ii. 266.
Ritual of the established church, why objected to by the puritans, i. 443. Its origin according to John Hales of Eaton, 437.
Robinson, father of the Independents, notice of him, i. 320.
Rochelle. Failure of the expedition in its favour, i. 392. Its fall, 406, 407.
Royalists. Their numbers and character at the beginning of the civil war, ii. 120, 121. Disunion among them, 144. Severities adopted towards them, 194, 195.
Rudd, Dr. His liberal conduct in the convocation of 1604, i. 137.
Rudyard, sir Benjamin. His speech at the opening of the long parliament, ii. 47.

S

Sabbatarian controversy, i. 498.
Sabbath. A puritan sabbath described, i. 501, 502.
Savoy. Meeting of the independent ministers there, during the protectorate, ii. 256. Savoy conference after the restoration, 306.
Scots. Description of the Scottish army in 1640, ii. 26—28. Charles I. surrenders himself to them, ii. 168. They deliver him up to the parliament, 169.
Scotland, policy of James I. towards it, i. 339—342. Attempts to introduce episcopacy there, ii. 22. Treaty between the Scots and the long parliament, 131—135. Changes produced in Scotland at the restoration, 315.
Scriptures. Translation of them completed, i. 329.
Scruples, Religious. Lord Bacon's respect for those of the puritans, i. 267, 268.
Self-denying ordinance, ii. 142.
Settlement of the nation,—plan so called rejected by Charles I. ii. 177, 178.
Shafteshury, his character, ii. 278, 427. His death, 473.
Sherfield, recorder of Sarum, his case, i. 494.
Ship-money, i. 455. Hampden tries its legality, 460. Decision of the judges, 462.
Smart, prebendary of Durham, his sufferings, i. 483.
Southey, Dr. his account of the troubles at Frankfort noticed, i. 50. His partial relation of the Hampton Court conference, 109, 110. His disingenuous account with respect to the number of the nonconformists during the primacy of Whitgift, 112. A gross inaccuracy in his attempt to vindicate the act of uniformity exposed, ii. 323.
Spanish Netherlands, invaded by Louis XIV., ii. 356.
Star chamber, its origin and jurisdiction, i. 464. Its abuses, 468. It is abolished, ii. 63.
State, its authority with regard to the church according to the theory of the constitution, i. 129—138, 479; ii. 71, 72, 148, 149.
State of the kingdom from 1629 to 1640, ii. 11—20.
Strafford, his early history as Sir Thomas Wentworth, ii. 75. His apostacy, 78. Appointed viceroy of Ireland, 80. His despotic schemes, 81. His impeachment, 56. His trial, 86. Different views respecting the sentence passed on him, 89. His death, 97.

Succession to the throne, projects relating to it during the reign of Charles II., ii. 394.
Supremacy, act of, when passed, i. 28. Leads to persecution, 302, 303.

T.

Taxes. Englishmen not to be taxed without their consent, i. 7. The government of Elizabeth viewed in relation to this maxim, 7—9.
Test Act passed, ii. 383. Changes produced by it, 386.
Test, non-resisting. Spirited debate upon it, ii. 405, 410.
Toleration, imperfectly understood by the Reformers, i. 39. Implored by the Brownists, 315. Boldly asserted by the independents in the assembly of divines, ii. 155. Extended to Scotland during the commonwealth, 218, 219. Its state in England during the protectorate, 244—246.
Tonnage and poundage, granted to James I. for life, i. 123. Disputes relating to it, 180—182. And on the accession of Charles I., 361. The question resumed, 404.
Torture, used by Elizabeth and James I. Its illegality, i. 39, 222.
Triennial bill under Charles I., ii. 62. Under Charles II., 344, 346.
Triers, instituted, ii. 247. Effect of their labours, 248.
Triple league formed, ii. 357.

U

Uniformity, act of under Elizabeth, i. 28. Under Charles II., ii. 319. *See* Puritans and Nonconformists.
Usher's model of Episcopal government, ii. 301.
Uxbridge, treaty of, ii. 145.

V

Vane, sir Harry. His policy with respect to the presbyterians, ii. 134. His trial and execution under Charles II., 288—291.
Vaudois, Cromwell's interference in their behalf, 240—244.

W

Waller's plot, ii. 129.
Wentworth, his dialogue with archbishop Parker, with respect to ecclesiastical power, i. 133.
Williams, bishop of Lincoln, his sufferings from the displeasure of Laud, i. 476, 477.

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